

COUNCIL AGENDA

ORDINARY COUNCIL MEETING

Wednesday 22 January 2025



The Mayor – Councillor Patricia Quigley
Deputy Mayor – Councillor Daryl Brown

ADDISON

Jacolyn Daly (L)
Ross Melton (L)

AVONMORE

Laura Janes (L)
David Morton (I)

BROOK GREEN

Stala Antoniades (L)
Adam Peter Lang (L)

COLLEGE PARK & OLD
OAK

Wesley Harcourt (L)
Bora Kwon (L)
Alex Sanderson (L)

CONINGHAM

Lisa Homan (L)
Rowan Ree (L)
Rory Vaughan (L)

FULHAM REACH

Lucy Richardson (L)
Omid Miri (L)
Nikos Souslous (L)

FULHAM TOWN

Victoria Brocklebank-
Fowler (C)
Andrew Dinsmore (C)

GROVE

Stephen Cowan (L)
Helen Rowbottom (L)

HAMMERSMITH
BROADWAY

Patricia Quigley (L)
Vacancy

LILLIE

Sharon Holder (L)
Vacancy

MUNSTER

Adronie Alford (C)
Alex Karmel (C)
Dominic Stanton (C)

PALACE & HURLINGHAM

Aliya Afzal-Khan (C)
Jackie Borland (C)
Amanda Lloyd-Harris (C)

PARSONS GREEN &
SANDFORD

Jose Afonso (C)
Adrian Pascu-Tulbure (C)

RAVENSCOURT

Liz Collins (L)
Patrick Walsh (L)

SANDS END

Paul Alexander (L)
Ashok Patel (L)
Ann Rosenberg (L)

SHEPHERDS BUSH
GREEN

Zarar Qayyum (L)
Mercy Umeh (L)

WALHAM GREEN

Trey Campbell-Simon (L)
Genevieve Nwaogbe (L)

WENDELL PARK

Rebecca Harvey (L)
Asif Siddique (L)

WEST KENSINGTON

Daryl Brown (L)
Florian Chevoppe-Verdier
(L)
Sally Taylor (L)

WHITE CITY

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

WORMHOLT

Max Schmid (L)
Nicole Trehy (L)

SUMMONS

Councillors of the London Borough of
Hammersmith & Fulham
are requested to attend the
Meeting of the Council at 7.00pm on
Wednesday 22 January 2025 at the Irish
Cultural Centre, 5 Black's Road,
Hammersmith, W6 9DT

You can watch the meeting live on YouTube:

[youtube.com/hammersmithandfulham](https://www.youtube.com/hammersmithandfulham)

Public attendance

This meeting is open to the public, but spaces are limited. Please contact David.Abbott@lbhf.gov.uk if you would like to attend.

Accessibility

The meeting will have BSL interpreters on screen in the meeting room and on the livestream. For wheelchair users there is level access from the street to the meeting room. There are accessible toilets on the ground floor of the venue.

Please contact David.Abbott@lbhf.gov.uk if you have any additional accessibility requirements.

Full Council Agenda

22 January 2025

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	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 Standards Committee.</p>	
3.	MINUTES	7 - 19
	<p>To approve the minutes of the meeting held on 17 October 2024 as an accurate record.</p>	
4.	MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS	
5.	PUBLIC QUESTIONS (20 MINUTES)	20
6.	ITEMS FOR DISCUSSION/COMMITTEE REPORTS	
6.1	COUNCIL TAX SUPPORT SCHEME 2025/26	21 - 176
6.2	COUNCIL TAX BASE AND COLLECTION RATE 2025/26 AND DELEGATION OF THE BUSINESS RATES ESTIMATE	177 - 185

6.3	HAMMERSMITH & FULHAM COUNCIL'S NEW AIR QUALITY ACTION PLAN 2025-30	186 - 324
6.4	UPDATE ON UPSTREAM LONDON: THE VISION FOR THE NEXT PHASE OF THE COUNCIL'S INDUSTRIAL STRATEGY	325 - 374
6.5	H&F PRIVATE RENTED SECTOR POLICY	375 - 416
6.6	REVIEW OF THE CONSTITUTION	417 - 756
6.7	COUNCIL CALENDAR OF MEETINGS 2025/26	757 - 759
6.8	REVIEW OF THE STATEMENT OF GAMBLING POLICY	760 - 919

Appendix 8 of this report has been classified as exempt within the meaning of Schedule 12A of the Local Government Act 1972 and is not for publication. The appendix has therefore been circulated to councillors only.

Any discussion of the contents of the exempt appendix will require Full Council to pass the following resolution:

Under Section 100A (4) of the Local Government Act 1972, that the public and press be excluded from the meeting during the consideration of the following item of business, on the grounds that it contains the likely disclosure of exempt information, as defined in paragraph 5 of Schedule 12A of the said Act, and that the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

7. SPECIAL MOTIONS

7.1	SPECIAL MOTION 1 - COMMENDING THE GOVERNMENT ON PLANNING REFORM	920
7.2	SPECIAL MOTION 2 - CELEBRATING THE 150TH ANNIVERSARY OF THE MACBETH CENTRE	921
7.3	SPECIAL MOTION 3 - THE FUTURE OF CHARING CROSS HOSPITAL	922
7.4	SPECIAL MOTION 4 - THE SAFETY OF CYCLISTS	923
7.5	SPECIAL MOTION 5 - FREE BREAKFASTS FOR PRIMARY SCHOOL CHILDREN	924



COUNCIL MINUTES

ORDINARY COUNCIL MEETING

THURSDAY 17 OCTOBER 2024

PRESENT

Deputy Mayor Councillor Daryl Brown

Councillors:

Jose Afonso	Sharon Holder	Lucy Richardson
Aliya Afzal-Khan	Laura Janes	Helen Rowbottom
Paul Alexander	Andrew Jones	Alex Sanderson
Stala Antoniadis	Adam Peter Lang	Max Schmid
Jackie Borland	Amanda Lloyd-Harris	Asif Siddique
Victoria Brocklebank-Fowler	Ross Melton	Nikos Souslous
Florian Chevoppe-Verdier	Omid Miri	Dominic Stanton
Liz Collins	Genevieve Nwaogbe	Sally Taylor
Stephen Cowan	Adrian Pascu-Tulbure	Nicole Trehy
Jacolyn Daly	Ashok Patel	Frances Umeh
Andrew Dinsmore	Natalia Perez	Rory Vaughan
Wesley Harcourt	Zarar Qayyum	Patrick Walsh
Rebecca Harvey	Rowan Ree	

At the start of the meeting, Councillor Max Schmid moved, seconded by Councillor Genevieve Nwaogbe, a motion under Standing Order 8.2 that Councillor Daryl Brown (Deputy Mayor) preside over the meeting.

The motion was unanimously agreed, and Councillor Brown took the Chair.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Emma Apthorp, Patricia Quigley, Bora Kwon, Lisa Homan, Ben Coleman, Mercy Umeh, Ann Rosenberg, Trey Campbell-Simon, Alex Karmel, Adronie Alford, and David Morton.

2. DECLARATIONS OF INTERESTS

Councillor Sharon Holder declared a non-pecuniary interest in Item 6.1 as her mother used free home care services.

3. MINUTES

7.05pm – RESOLVED

That the minutes of the Council meeting held on 10 July 2024 were agreed as an accurate record.

4. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS

Death of Monique Newton, founder of Smile Brigade

With much sadness, the Deputy Mayor announced the passing of Monique Newton, founder of Smile Brigade CIC, which provided over 90,000 meal and grocery bags to vulnerable residents in Hammersmith & Fulham during the pandemic.

Speeches of remembrance were made by Councillors Nikos Souslous and Victoria Brocklebank-Fowler.

Death of Gerald Wombwell, former Councillor and Opposition Leader

With great sadness, the Deputy Mayor informed the Council of the death of Gerald Wombwell, former Councillor and Leader of the Opposition.

Speeches of remembrance were made by Councillors Victoria Brocklebank-Fowler, Amanda Lloyd-Harris, Wesley Harcourt, and Stephen Cowan.

Death of Charles Treloggan, former Councillor and Mayor

With much regret, the Deputy Mayor informed the Council of the death of Charles Treloggan, former Councillor and Mayor.

Speeches of remembrance were made by Councillors Wesley Harcourt, Rory Vaughan, Sally Taylor, Stephen Cowan, and Amanda Lloyd-Harris.

The Deputy Mayor then led the Council in a minute of silence in memory of Monique Newton, Gerald Wombwell and Charles Treloggan.

5. PUBLIC QUESTIONS (20 MINUTES)

The Deputy Mayor thanked the residents who submitted questions. Question 1 was taken in the meeting. The Deputy Mayor explained that as the second questioner was unable to attend they would receive a written response. The questions and responses can be found at Appendix 1.

6. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

6.1 Free Home Care – Ten Years On

7.49pm – The report and recommendations were formally moved for noting by the Deputy Leader, Councillor Alex Sanderson.

Speeches on the report were made by Councillors Rory Vaughan, Natalia Perez, Stala Antoniadou and Asif Siddique (for the Administration).

8.12pm – RESOLVED

That Full Council:

1. Recognised the significant and major achievement in the delivery of the unique free home care services for our residents for almost a decade (in the face of major financial challenges).
2. Acknowledged the work of members, staff, public partners and care providers in the delivery of the home care services.
3. Noted that this policy of the Council has reduced the financial pressures on public finances and avoided costs for our public sector partners.

6.2 H&Fs Productivity Plan

8.12pm – The report and recommendations were formally moved for noting by the Cabinet Member for Finance and Reform, Councillor Rowan Ree.

Speeches on the report were made by Councillors Jacolyn Daly and Rowan Ree (for the Administration).

8.22pm – RESOLVED

1. That Full Council noted and commented on the report.

6.3 Youth Justice Plan 2024-25

8.22pm – The report and recommendations were formally moved for adoption by the Deputy Leader, Councillor Alex Sanderson.

Speeches on the report were made by Councillors Alex Sanderson and Adam Peter Lang (for the Administration).

The report and recommendations were put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

The recommendations were declared **CARRIED**.

8.29pm – RESOLVED

1. That Full Council noted and approved the contents of the report and attached Youth Justice Plan.

6.4 Digital Transformation Projects

8.29pm – The report and recommendations were formally moved for noting by the Cabinet Member for Finance and Reform, Councillor Rowan Ree.

Speeches on the report were made by Councillors Florian Chevoppe-Verdier and Rowan Ree (for the Administration).

8.39pm – RESOLVED

1. That Full Council noted and commented on the report.

6.5 Review of the Constitution

8.39pm – The report and recommendations were formally moved for adoption by the Leader, Councillor Stephen Cowan.

The report and recommendations were put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

The recommendations were declared **CARRIED**.

8.40pm – RESOLVED

1. That Full Council approved the creation of a new Lead Member for Energy and Decarbonisation role as detailed in the report and appointed Councillor Ross Melton to the role.

7. SPECIAL MOTIONS

7.1 Special Motion 1 - Additional Support for Low-Income Pensioners

8.40pm – Councillor Adrian Pascu-Tulbure moved, seconded by Councillor Amanda Lloyd-Harris, the special motion in their names.

“This Council calls on the Administration to provide additional support for low-income pensioners in the Borough who have had their Winter Fuel Allowance cut.”

Speeches on the motion were made by Councillors Adrian Pascu-Tulbure and Amanda Lloyd-Harris (for the Opposition).

Under Standing Order 15(e)(6), Councillor Rowan Ree moved, seconded by Councillor Rebecca Harvey, an amendment:

“Delete all text after “This council” and replace with:

...regrets that the last H&F Conservative administration introduced home care charges for older and disabled people. The Conservative administration also increased charges for meals on wheels by over 80%, increasing the cost of the service by over £700 per year.

This council proudly notes that the current Labour administration provides £5.3m of support to pensioners through the council tax support scheme, has overseen 10 years of free home care and cut the charge for meals on wheels by 56%. This council regrets the lack of support of the Conservative opposition for the budgets that put these positive measures in place.

This council further notes that the current administration has invested heavily in third-sector organisations that support older people and, in the last budget, invested an additional £1 million in cost-of-living support schemes. It helped thousands of older people across the borough through the winter-ready home schemes, winter support fund, fuel energy support, and pensioner benefit take-up campaigns.

This council welcomes the new government’s commitment to the pension triple lock and the extension of the Household Support Fund over winter, abolished by the previous government, which will provide vital support, such as fuel vouchers to vulnerable pensioners in H&F.”

Speeches on the amendment were made by Councillors Rowan Ree and Rebecca Harvey (for the Administration) and Councillor Adrian Pascu-Tulbure (for the Opposition).

Councillor Ree then made a speech winding up the debate before the amendment was put to the vote:

FOR	30
AGAINST	8
NOT VOTING	1

The amendment was declared **CARRIED**.

A speech on the amended motion was made by Councillor Jacolyn Daly (for the Administration).

Councillor Pascu-Tulbure made a speech summing up the debate.

Opposition Councillors called for a named vote:

FOR	AGAINST	NOT VOTING
Alexander	Afonso	Brown (Deputy Mayor)
Antoniades	Afzal-Khan	
Chevoppe-Verdier	Borland	
Collins	Brocklebank-Fowler	
Cowan	Dinsmore	
Daly	Lloyd-Harris	
Harcourt	Pascu-Tulbure	
Harvey	Stanton	
Holder		
Janes		
Jones		
Lang		
Melton		
Miri		
Nwaogbe		
Patel		
Perez		

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.

Qayyum		
Ree		
Richardson		
Rowbottom		
Sanderson		
Schmid		
Siddique		
Souslous		
Taylor		
Trehy		
Umeh (Frances)		
Vaughan		
Walsh		
30	8	1

FOR	30
AGAINST	8
NOT VOTING	1

The amended motion was declared **CARRIED**.

9.16pm – RESOLVED

This Council regrets that the last H&F Conservative administration introduced home care charges for older and disabled people. The Conservative administration also increased charges for meals on wheels by over 80%, increasing the cost of the service by over £700 per year.

This council proudly notes that the current Labour administration provides £5.3m of support to pensioners through the council tax support scheme, has overseen 10 years of free home care and cut the charge for meals on wheels by 56%. This council regrets the lack of support of the Conservative opposition for the budgets that put these positive measures in place.

This council further notes that the current administration has invested heavily in third-sector organisations that support older people and, in the last budget, invested an additional £1 million in cost-of-living support schemes. It helped thousands of older people across the borough through the winter-ready home schemes, winter support fund, fuel energy support, and pensioner benefit take-up campaigns.

This council welcomes the new government’s commitment to the pension triple lock and the extension of the Household Support Fund over winter, abolished by the previous government, which will provide vital support, such as fuel vouchers to vulnerable pensioners in H&F.

9.16pm – Councillor Max Schmid moved, seconded by Councillor Genevieve Nwaogbe, a motion under Standing Order 15(e)(3) to change the order of the remaining special motions as follows: 4, 2 and 3.

The motion was agreed.

7.4 **Special Motion 4 - Building a stronger, safer and kinder borough**

9.16pm – Councillor Rebecca Harvey moved, seconded by Councillor Nikos Souslous, the special motion in their names.

“The Council notes that in July 2024 the National Police Chiefs Council reported that there is an epidemic of violence against women and girls, with nearly 3,000 crimes reported every day in what they termed a “national emergency”. This council welcomes the new Labour Government’s commitment to tackle this.

The Council takes the safety of women and girls extremely seriously and is investing in services to support women and girls across our borough including Advance, the Angelou Partnership and Refuge.

The Council notes that following a public consultation with overwhelming support, in July 2024 the borough introduced a Public Spaces Protection Order (PSPO), making street sexual harassment an offence. The Council is pleased to note that the PSPO has already been used to fine those who have harassed women and girls who live, work and visit our borough.

The Council thanks officers who are delivering the No More Sexual Harassment campaign with valued partners, including the youth council, schools, football clubs, businesses, community groups and residents.

The Council welcomes the work of the borough’s public protection teams to tackle violence against women and girls, including:

- *The 72-strong Law Enforcement Officers, who have undertaken specialist training to support victims and hold perpetrators to account;*
- *The CCTV network with over 2,000+ CCTV cameras collecting evidence used to prosecute offenders;*
- *The Gangs, Violence & Exploitation Unit; and*
- *The Community Safety, Antisocial Behaviour and Trading Standards teams.*

The Council is proud of the work being done to make the borough’s streets safer. It has invested millions of pounds in community safety and works closely with partners, including the police, probation and prison services, and the violence reduction unit.

The Council calls on all members to support this work to make Hammersmith and Fulham a stronger, safer and kinder borough.”

Speeches on the motion were made by Councillors Rebecca Harvey, Jacolyn Daly and Stephen Cowan (for the Administration) – and Councillors Andrew Dinsmore and Aliya Afzal-Khan (for the Opposition).

Councillor Harvey then made a speech winding up the debate before the motion was put to the vote:

FOR
AGAINST

UNANIMOUS
0

The motion was declared **CARRIED**.

9.40pm – RESOLVED

The Council notes that in July 2024 the National Police Chiefs Council reported that there is an epidemic of violence against women and girls, with nearly 3,000 crimes reported every day in what they termed a “national emergency”. This council welcomes the new Labour Government’s commitment to tackle this.

The Council takes the safety of women and girls extremely seriously and is investing in services to support women and girls across our borough including Advance, the Angelou Partnership and Refuge.

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- The 72-strong Law Enforcement Officers, who have undertaken specialist training to support victims and hold perpetrators to account;
- The CCTV network with over 2,000+ CCTV cameras collecting evidence used to prosecute offenders;
- The Gangs, Violence & Exploitation Unit; and
- The Community Safety, Antisocial Behaviour and Trading Standards teams.

The Council is proud of the work being done to make the borough’s streets safer. It has invested millions of pounds in community safety and works closely with partners, including the police, probation and prison services, and the violence reduction unit.

The Council calls on all members to support this work to make Hammersmith and Fulham a stronger, safer and kinder borough.

7.2 Special Motion 2 - Unlocking the Benefits of Decarbonisation in Hammersmith and Fulham

9.40pm – Councillor Ross Melton moved, seconded by Councillor Omid Miri, the special motion in their names.

“This Council welcomes the new Government’s robust and rapid actions to accelerate decarbonisation and growth of the UK economy, including:

- 1. The launch of the cross-Government Clean Power 2030 Mission, headed by Chris Stark.*

2. *The launch of a state-owned renewable generation developer, GB Energy, chaired by Jurgen Maier, headquartered in Aberdeen, and tasked with commercialising new low carbon generation technologies.*
3. *The launch of a £7.3 billion National Wealth Fund with the aim of galvanising more than 10 times more private investment in low carbon infrastructure.*
4. *The end of the moratorium on onshore wind in England, with the largest renewables allocation ever through the AR6 generation auction.*
5. *The approval of 1.35GW of solar generation within days of the 2024 General Election.*
6. *The closure of the UK's last coal-fired powerplant in Ratcliffe-on-Soar in Nottinghamshire.*

As one of the London Boroughs most vulnerable to the negative affects of climate change, accelerating decarbonisation of the UK energy sector and wider economy is of vital importance to the residents of Hammersmith and Fulham.

In addition, the economic growth opportunity of decarbonising the UK economy is irrefutable, with the previous Government's Skidmore Review identifying the green economy as the fastest growing contributor to UK GDP, valued at over £41.2 billion in 2023 and employing almost half a million high skilled UK workers.

Decarbonising energy will deliver a win-win-win: reduce the UK's vulnerability to volatile energy imports, driving down household bills, and unlocking economic opportunities for millions of Britons.

Hammersmith and Fulham is at the forefront of the transition towards a green economy, investing in rooftop solar and retrofitting insulation and energy efficiency technologies into council-owned buildings. The Borough's modern industrial strategy is fostering the next generation of low carbon innovations. Our planning team continues to support thoughtful, low carbon development across the Borough.

This Council resolves to continue to support the new Government's strategy of driving rapid economic growth through decarbonisation of the economy, while providing an example of local leadership on the road to Net Zero."

Speeches on the motion were made by Councillors Ross Melton, Omid Miri and Wesley Harcourt (for the Administration) – and Councillors Jose Afonso and Andrew Dinsmore (for the Opposition).

The guillotine fell at 10pm. Councillor Melton made a short speech summing up the debate before the motion was put to the vote:

FOR	30
AGAINST	8
NOT VOTING	1

The motion was declared **CARRIED**.

10.03pm – RESOLVED

This Council welcomes the new Government's robust and rapid actions to accelerate decarbonisation and growth of the UK economy, including:

1. The launch of the cross-Government Clean Power 2030 Mission, headed by Chris Stark.
2. The launch of a state-owned renewable generation developer, GB Energy, chaired by Jurgen Maier, headquartered in Aberdeen, and tasked with commercialising new low carbon generation technologies.
3. The launch of a £7.3 billion National Wealth Fund with the aim of galvanising more than 10 times more private investment in low carbon infrastructure.
4. The end of the moratorium on onshore wind in England, with the largest renewables allocation ever through the AR6 generation auction.
5. The approval of 1.35GW of solar generation within days of the 2024 General Election.
6. The closure of the UK's last coal-fired powerplant in Ratcliffe-on-Soar in Nottinghamshire.

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This Council resolves to continue to support the new Government's strategy of driving rapid economic growth through decarbonisation of the economy, while providing an example of local leadership on the road to Net Zero.

7.3 **Special Motion 3 - Commending the Government on Planning Reform**

The special motion was withdrawn.

Meeting started: 7.00 pm
Meeting ended: 10.03 pm

Mayor

Appendix 1 – Public Questions and Responses

Question 1

From: Donald Grant, Resident

Question:

When will the cycle lanes on Wandsworth Bridge Road be restored?

Response from the Cabinet Member for Public Realm, Councillor Sharon Holder:

Due to the changes in the highway code for cycling, the correct safer cycling position for cyclists is known as the control position. The original markings in WBR were only advisory and whilst they enabled cyclists to overtake on the inside during traffic queues, it did create safety issues at junctions and the pedestrian islands.

As Wandsworth Bridge Road is now 20mph, interim measures have been installed to get traffic speeds down to the speed limit and improve both cycle and pedestrian safety, with the added benefit of providing amenity to high street businesses.

Follow-up Question:

I'd like to ask about the imposition of the parklets outside our homes on Wandsworth Bridge Road and place the cycle lanes on a busy A road. It's a busy A road which is being made in busier by the two LTNs and the ongoing closure of Hammersmith Bridge. I think the previous cabinet meeting when the council leader and deputy leader encouraged residents of Wandsworth Bridge Road to become involved in further interventions on Wandsworth Bridge Road and follow-up correspondence. Why were these imposed without the community involved? Is this because the Leader is still presiding over the disorganised chaotic regime, described such by a former employee?

Response from Cabinet Member for Public Realm:

Mr Grant, I was at the meeting when the Leader did consult you and other people in the Wandsworth Bridge Road area or the South Fulham area to be exact, to partake in what was then the Clean Air Neighbourhood Programme and as you're well aware, the programme has been agreed and the agreement that has been reached with the South Fulham residents has been that we will improve the South Fulham area to fit in with the Clean Air Neighbourhood programme and that included changes to Wandsworth Bridge Road, changes that were consulted upon as you're fully aware on many occasions including the Wandsworth Bridge Road Fairs that we've had during that period.

So, I'm going to make it clear when I say I don't think that your question is correct. I think that we have fully demonstrated that we've consulted with the South Fulham Clean Air Neighbourhood residents and most of which are very happy with the changes that are being made, including a number of the businesses who are looking forward to the parklets being erected.

I do accept however, that those parklets have taken longer than originally anticipated, largely because the manufacturers couldn't deliver some of the goods that we wanted at the time, in the time frame that we wanted, but I can assure you if there are any questions about

the introduction of the parklets other than what has been previously discussed and agreed with the local community, I'm more than happy to answer them when they come up.

Question 2

From: Caroline Shuffrey, Resident

Question:

In October 22 Cabinet approved a borough wide programme of Clean Air Neighbourhoods also known as LTNs. To date only two LTNs have been established, both in South Fulham. Has the Council now abandoned its plans to create LTNs across the rest of the borough, instead concentrating on increasing its revenues through a massive hike in parking charges?

Response from the Cabinet Member for Public Realm, Councillor Sharon Holder (provided as a written response):

The council does not install LTNs as LTNs are designed to restrict the movement of residents. The H&F clean air neighbourhood as a concept, looks at the wider community when trying to reduce through traffic from residential streets that create a nuisance to our residents and impacts on their quality of life. The agreed Clean Air Neighbourhood programme was always based on being resident led and developed only when neighbourhood residents were in majority support.

The parking changes introduced is to make behavioural changes to motoring in the borough which help deliver our climate and air quality targets. And moreover, for clarity, both clean air schemes and parking changes have been introduced for policy reasons and not for revenue raising.

Agenda Item 5

Full Council Public Questions – 22 January 2025

Question 1

From: Caroline Shuffrey, Resident
To: Cabinet Member for Public Realm

“LBHF commissioned a professional safety audit of the Wandsworth Bridge Road transformation involving road surface dressing and parklet installation but has rejected or refuted most of its recommendations. If accidents occur in the manner foreseen by the safety audit professionals who in LBHF will take responsibility and who will pay compensation to the victims if LBHF is successfully sued.”

Question 2

From: Brian Mooney, Resident
To: Cabinet Member for Climate Change and Ecology

“Cannabis smoke contains over fifty carcinogens and hundreds of toxins. It can produce mental health problems and disorientation at street level constituting a threat to road safety. In spite of my input to last year’s consultation, no actions are featured in the Air Quality Action Plan. Can H&F Council please explain this omission and what it will do to remove the regular stench from our streets?”

Question 3

From: Simon Kane, Resident
To: Cabinet Member for Climate Change and Ecology

“Hammersmith and Fulham Council is targeting Net Zero CO2 emissions locally by 2030. It admits that this will require in excess of £2 billion and be dependent on substantial external funding. a) Please break down roughly how this will be spent. b) With the fragile state of public finances, how likely (%) is it that Net Zero 2030 will be met. c) If full government funding is not available, what will be the impact on residents?”

Question 4

From: Callum Nimmo, Resident
To: Cabinet Member for Enterprise and Skills

“What steps is the Council taking to create jobs for young people in the Borough?”

Question 5

From: Hannah Bulmer, Resident
To: Cabinet Member for Finance and Reform

“What is the council doing to keep taxes low, especially for those least able to pay?”

Report to: Full Council

Date: 22/01/2025

Subject: Council Tax Support Scheme 2025/26

Report of: Councillor Rowan Ree, Cabinet Member for Finance and Reform

Report author: Kirsty Brooksmith, Assistant Director Benefits

Responsible Director: Sukvinder Kalsi – Executive Director for Finance & Corporate Services

SUMMARY

Since 2013, every council has been required to set its own Council Tax Support Scheme, setting out how it wants to help those on low income pay their council tax. The administration is determined to ensure that not only are residents no worse off than they would have been had the original Council Tax benefit regulations stayed in place, but also to try and reverse some of the regressive elements of Council Tax, by ensuring that lower income families are supported by the council. This constitutes a £9.1m investment by the Council to support the borough's lowest income families for 2025/26

Pre-2013, funding for the Council Tax Support Scheme was originally provided directly from the Government to cover the full cost of the scheme. Since then, funding has been absorbed and aggregated within other central government grants given to local authorities. The funding that the Council receives each year towards the cost of the scheme expenditure is contained within the Revenue Support Grant. Grant funding from Central Government has reduced by £36m (54% in real terms) from 2010/11 to 2024/25.

We know many of our residents are still feeling the squeeze from the increased cost of energy, petrol, and food prices, as such, we have invested more than £11m to provide much-needed cost-of-living support to our residents which includes dedicated support for older and vulnerable residents in need in H&F.

As well as being the only council in the country to provide free home care to older and Disabled residents, residents in need who lost their Winter Fuel Allowance can apply for up to £300 with our Crisis Prevention Fund.

We are working with partners to ensure all eligible residents apply for Pension Credit and subsequently will then receive their Winter Fuel Allowance too, and we're working on additional support for residents with the government's extension of the Household Support Fund.

To ensure that we do not add any further burden to our residents, and to continue our commitment to being a compassionate council we have once again chosen for 2025/26 not to introduce changes to our local scheme and we remain committed to

offering the most help to the lowest income families in our borough. We therefore remain committed to providing the maximum support to our residents with 100% support available to those on the lowest incomes.

During this financial year we carried out a full review of our Council Tax Support scheme, benchmarking ourselves against other local authorities, and modelled various options for new schemes. The aim was to ensure that our scheme is providing support to those that need it most, and that the scheme is simple for residents to access and for us to administer. Our modelling concluded that the other options considered did not provide material benefits in respect of reduced administration costs and were likely to negatively impact some of our residents currently in receipt of support and therefore we are recommending that we continue with our current scheme.

We compared schemes across neighbouring London authorities. 45% of those authorities had a banded income scheme and the remaining 55% had a scheme based on the previous Council Tax Benefit scheme (default scheme) which was like ours. However the range of support offered varied. The lowest level of support available was only 15% of council tax liability, and only three councils offered 100% as we do, the majority offered a reduced amount of 90%. In most other London boroughs residents on lowest incomes are expected to contribute something towards their council liability.

We were one of only 34 Councils out of 326 across England that retained scheme providing up to 100% support to our residents, when local schemes were introduced in April 2013. We have continued to provide this and 2025/2026 will be the 13th year that we have consistently provided up to 100% support to our residents.

In addition, we have also, during 2024/25, continued our cost-of-living support and we have invested more than £11m to provide much-needed cost-of-living support to our residents which includes dedicated support for older residents in need.

This report is therefore not proposing to make any changes to the Council Tax Support Scheme for 2025/26 other than the application of the annual uprating.

The annual uprating will apply to the allowances, applicable amounts, and income for both pensioners and working age Department of Work and pensions (DWP) benefits, as per the Housing Benefit uprating circular issued to local authorities in late November 2024. This circular advises the new rates from April 2025. All local authorities have a duty to apply uprating to their Housing Benefit Scheme and we propose to continue to reflect this uprating within our Council Tax Support Scheme to mirror the original intention of the default scheme. This will ensure transparency, ease of administration and clarity for our residents.

By not changing our scheme for 2025/26 it remains the most effective scheme for ensuring we provide the maximum support to our residents.

RECOMMENDATIONS

That Full Council approves the following recommendations:

1. That the Council Tax Support Scheme in operation in 2024/2025 (included at Appendix 1) shall continue in 2025/2026.
2. That the Council shall apply the annual uprating of allowances, applicable amounts and income, set out in the DWP Housing Benefit circular, to the Council Tax Support scheme for 2025/2026.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Corporate Plan and the H&F Values
Building shared prosperity	We will support our low-income residents by ensuring our scheme gives them the maximum benefit of up to 100%, contributing to keeping their living costs, including their council tax, affordable
Creating a compassionate and inclusive council	We are continuing to deliver our local Council Tax Support Scheme to the most vulnerable amongst us, so we know they are supported financially.
Doing things with local residents, not to them	We will continue to listen to and work with our residents by offering financial support to them. We will continue to monitor the impacts of economic and welfare changes on our residents, ensuring we understand their needs. This will allow us to continue to target our help to support them where they say it is needed the most.
Being ruthlessly financially efficient	We want our residents to know we are working to protect and maintain policies that protect our most vulnerable

Financial Impact

The Council Tax Support Scheme operates by offering a discount to residents who need help paying their Council Tax. The cost of the scheme is shared between Hammersmith & Fulham Council and the Greater London Authority based on their respective Council Tax charges. The scheme cost is estimated at £13.9m in 2025/26, based on current Council Tax levels, of which the Hammersmith and Fulham share will be £9.1m. This estimate is allowed for within the 2025/26 Council Tax Base report and the Council's Medium-Term Financial Strategy.

Up until 2013, funding for the Council Tax Support Scheme (known as the Council Tax Benefit Scheme) was originally provided specifically through the Revenue Support Grant (RSG) from the Government. The Government abolished the national Council Tax Benefit scheme from 1 April 2013 and allowed local councils to develop their own local replacement schemes for working age residents. Government grant funding has reduced by £36m (54% in real terms) from 2010/11 to 2024/25.

Andre Mark, Head of Finance (Strategic Planning and Investment), 13 November 2024

Verified by James Newman, Assistant Director of Finance, 13 November 2024

Legal Implications

Each financial year the Council must consider whether it wants to revise its Council Tax Support Scheme, leave as is or replace it. The Council must make this decision no later than 31 January in the financial year preceding when the scheme is to take effect.

The Council has a statutory duty to set the council tax each year and this report is part of this process. The Council can only vary or set council tax discounts or higher amounts as legally empowered to do so. The relevant regulations and legislation are the Local Government Finance Act 1992, the Local Authorities (Calculation of Council Tax Base) Regulations 2012, and the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003, as amended in 2012. The Council Tax base has been calculated in accordance with the relevant Acts and regulations.

The appended Council Tax Reduction Scheme has been considered in accordance with The Council Tax Reduction Schemes (Prescribed/Requirements) (England) (Amendment) Regulations 2024' The Secretary of State makes these Regulations in exercise of the powers conferred by section 113(1) and (2) of, and paragraph 2 of Schedule 1A to, the Local Government Finance Act 1992(1)

Verified by: Jade Monroe, Chief Solicitor, 11 November 2024.

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Proposals and Analysis of Options

1. In our review of our Council Tax Support Scheme, we compared schemes across neighbouring London authorities. 45% of those authorities had a banded income scheme and the remaining 55% had a scheme based on the previous Council Tax Benefit scheme (default scheme) which was like ours. The lowest level of support available was 15% of council tax liability, only three councils offered 100% as we do, and the majority offered 90%.
2. We modelled a variety of changes to our schemes, including changes to capital limits, changes to non-dependant charges and the introduction of

banded income schemes. When considering the capital limits, we also looked at the treatment of capital as income and we also considered changing the deductions for non-dependants in the household.

3. The overarching objective of the modelling was to ensure that we continued to provide maximum support (100%) for those who needed the most support. However, there was also a focus on making the scheme simpler for residents and simpler for the Council to administer.
4. The options were considered by the Section 151 Officer and the Cabinet Member for Finance and Reform. In all the options modelled some residents would be negatively impacted.
5. None of the options modelled provided significant financial benefits in reducing administrative costs. One of the reasons for this was that we would need to maintain our scheme as is for residents of pension age as this is required by law. The operation of two different schemes applying one to working age and one to pensioners would likely increase complexity in administration.
6. Given the findings of our comprehensive review none of the options are recommended for adoption and it is recommended that we continue with our current scheme.

Equality Implications

7. There are no anticipated negative implications for groups with protected characteristics, under the Equality Act 2010 by the approval of these proposals.

Risk Management Implications

8. Over the last decade, local authorities have received significant real terms cuts to budgets, in addition the Government's Universal Credit Scheme has posed challenges to the poorest and most vulnerable in society. Council tax benefit was a UK-wide benefit that provided support for council tax to low-income families. This was abolished in April 2013 and local authorities in England were charged with designing their own council tax support schemes in its place. Although these must maintain support for pensioners at its previous level, local authorities have wide discretion to design their own schemes for working-age families. The Council's scheme contributes positively to our residents, meeting their needs and expectations. It also contributes to our council values most specifically being a compassionate council, so the most vulnerable among us are looked after.

Implications verified by: David Hughes, Director of Audit, Fraud, Risk and Insurance, 8 November 2024

Climate and Ecological Emergency Implications

9. There are no anticipated climate or ecological implications as a result of the approval of this recommendation.

Consultation

10. There is no requirement to consult this year as we are not proposing any changes to our scheme

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Fulham
Council Tax Reduction Scheme
2024/25**

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PART 1 - Introduction

1.– Citation, commencement, and application

- (1) This scheme may be cited as the London Borough of Hammersmith and Fulham Council Tax Reduction Scheme 2024/25 and comes into effect on 1 April 2024.
- (2) This scheme applies in relation to the billing authority in England known as the London Borough of Hammersmith and Fulham.
- (3) This Council Tax Reduction Scheme for working age applicants has been determined by the Council and is intended to assist people in financial need, by the award of a reduction in their council tax liability. It is a local scheme determined in respect of a decision made by full Council. Central Government has prescribed that the reduction given to pensioners.
- (4) The scheme in respect of pension age applicants is defined by Central Government within the following:
 - (a) Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
 - (b) Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
 - (c) Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
 - (d) Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
 - (e) Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
 - (f) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014
 - (g) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
 - (h) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
 - (i) The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
 - (j) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
 - (k) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
 - (l) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021;
 - (m) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022;
 - (n) The Council Tax (Demand Notices and Reduction Schemes) (England) (amendment) Regulations 2022;
 - (o) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023;
 - (p) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2024; and
 - (q) Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012)
- (5) Whilst the scheme for those who have reached the qualifying age for state pension credit is set by Central Government, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012) to disregard in full the following:
 - (a) a war disablement pension;
 - (b) a war widow's pension or war widower's pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

The provisions outlined above, enhance the Central Government's scheme for Pension age applicants.

- (6) The incomes outlined within paragraph (6) shall also be disregarded in full for all persons who are not pensioners. Both this and the enhancement to the pensioner's scheme meets the authority's commitment to the Armed Forces Covenant.
- (7) Except where otherwise stated, an uprating will be applied to the Council Tax Reduction Schemes to reflect national changes to the amounts of pensions, tax credits, income related and non-income related social security benefits and allowances, component parts, applicable amounts, premiums, and deductions.

PART 2 Interpretation

2.-(1) In this scheme—

“the 1992 Act” means the Local Government Finance Act 1992;

“Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated which are affiliated to that society;

“adoption leave” means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996;

“adult disability payment” ;as the meaning given in regulation 2 of the DAWAP Regulations;

“an AFIP” means an armed forces independence payment payable in accordance with an armed and reserve forces compensation scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004;

“alternative maximum council tax reduction” means the amount determined in accordance with paragraph 30 and Schedule 4;

“applicable amount” means—

(a) in relation to a pensioner, the amount calculated in accordance with paragraph 24 and Schedule 2, and

(b) in relation to a person who is not a pensioner, the amount calculated in accordance with—

(i) paragraph 25 and Schedule 3; or

(ii) paragraph 27,

as the case may be;

“applicant” means a person applying for a reduction under this scheme;

“application” means an application for a reduction under this scheme;

“appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims for income support, a jobseeker's allowance or an employment and support allowance;

“approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;

“assessment period” means the period determined—

(a) in relation to pensioners—

(i) in relation to the earnings of a self-employed earner, in accordance with paragraph 42 of this scheme for the purpose of calculating the weekly earnings of the applicant;

or

(ii) in relation to any other income, in accordance with paragraph 39 of this scheme for the purpose of calculating the weekly income of the applicant;

(b) in relation to persons who are not pensioners, such period as is set out in paragraphs 46 to 48 of this scheme over which income falls to be calculated;

“attendance allowance” means—

(a) an attendance allowance under Part 3 of the SSCBA(3);

(b) an increase of disablement pension under section 104 or 105 of that Act;

(c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to that Act;

(d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to that Act;

(e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or

(f) any payment based on need for attendance which is paid as part of a war disablement pension;

“the authority” means the billing authority in whose area this scheme has effect by virtue of paragraph 4 of Schedule 1A to the 1992 Act;

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“basic rate” has the meaning given by the Income Tax Act 2007;
“the benefit Acts” means the SSCBA, the Jobseekers Act 1995, the State Pension Credit Act 2002, and the Welfare Reform Act 2007;
“board and lodging accommodation” means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;
“care home” has the meaning given by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001 and in Northern Ireland means a nursing home within the meaning of Article 11 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 or a residential care home within the meaning of Article 10 of that Order;
“the Caxton Foundation” means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;
“child” means a person under the age of 16;
“child benefit” has the meaning given by section 141 of the SSCBA;
“child disability payment” has the meaning given by regulation 2 of the DACYP Regulations;
“child care costs element” has the meaning given by regulation 27 of the Universal Credit Regulations 2012;
“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;
“close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;
“concessionary payment” means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act 2002 are charged;
“contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;
“council tax benefit” means council tax benefit under Part 7 of the SSCBA;
“couple” has the meaning given by paragraph 4 of this scheme;
“DACYP Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021;
“the DAWAP Regulations” means the Disability Assistance for Working Age People (Scotland) Regulations 2022;
“designated office” means the office of the authority designated by it for the receipt of applications—

- (a) by notice upon or with a form supplied by it for the purpose of making an application; or
- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application and without charge; or
- (c) by any combination of the provisions set out in paragraphs (a) and (b);

“disability living allowance” means a disability living allowance under section 71 of the SSCBA;
“dwelling” has the meaning given by section 3 of the 1992 Act;
“earnings” has the meaning given by paragraph 40, 42, 43 or 50 of this scheme as the case may be;
“the Eileen Trust” means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;
“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000;
“employed earner” is to be construed in accordance with section 2(1)(a) of the SSCBA and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;
“the Employment, Skills and Enterprise Scheme” means a scheme under section 17A (schemes for assisting persons to obtain employment: ““work for your benefit”” schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants for job-seekers allowance to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

“employment zone” means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an **“employment zone programme”** means a programme established for such an area or areas designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment;

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament or the National Assembly for Wales;

“extended reduction” means a reduction under this scheme for which a person is eligible under Part 12 (extended reductions);

“extended reduction period” means the period for which a person is in receipt of an extended reduction in accordance with paragraph 87, 94 or 99;

“extended reduction (qualifying contributory benefits)” means a reduction under this scheme for which a person is eligible in accordance with paragraph 87 or 98;

“family” has the meaning given by paragraph 6 of this scheme;

“the Fund” means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;

“Grenfell Tower support payment” means a payment made for the purpose of providing compensation or support in respect of the fire on 14th June 2017 at Grenfell Tower;

“guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;

“a guaranteed income payment” means a payment made under article 15(1)(c) (injury benefits) or 29(1)(a) (death benefits) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

“historical child abuse payment” means a payment made under:

(a) Part 1 of the Historical Institutional Abuse (Northern Ireland) Act 2019;

(b) Part 4 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021;

“the Horizon system” means any version of the computer system used by the Post Office known as Horizon, Horizon Legacy, Horizon Online or HNG-X;

“housing benefit” means housing benefit under Part 7 of the SSCBA;

“housing costs element” has the meaning given by regulation 21 of the Universal Credit Regulations 2012;

“an income-based jobseeker’s allowance” and **“a joint-claim jobseeker’s allowance”** have the meanings given by section 1(4) of the Jobseekers Act 1995;

“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

“independent hospital”—

(a) in England means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

(b) in Wales has the meaning given by section 2 of the Care Standards Act 2000; and

(c) in Scotland means an independent health care service as defined by section 10F of the National Health Service (Scotland) Act 1978;

“the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

“invalid carriage or other vehicle” means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

“local authority” means a local authority in England within the meaning of the Local Government Act 1972

“the London Bombings Relief Charitable Fund” means the company limited by guarantee number 5505072), and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability, or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;

“the London Emergencies Trust” means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017

“lone parent” means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

“the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

“the Macfarlane (Special Payments) (No. 2) Trust” means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

“the Macfarlane Trust” means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

“main phase employment and support allowance” means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 or the applicant is a member of the work-related activity group except in Part 1 of Schedule 3;

“maternity leave” means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

“main phase employment and support allowance” means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 or the applicant is a member of the work-related activity group except in Part 1 of Schedule 3

“member of a couple” means a member of a married or unmarried couple;

“MFET Limited” means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

“mobility supplement” means—

(a) in relation to pensioners, a supplement to which paragraph 5(1)(a)(vi) of Schedule 5 to this scheme refers;

(b) in relation to persons who are not pensioners, a supplement to which paragraph 13 of Schedule 8 refers;

“mover” means an applicant who changes the dwelling in which the applicant is resident, and in respect of which the applicant is liable to pay council tax, from a dwelling in the area of the authority to a dwelling in the area of a second authority;

“the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28th March 2019;

“net earnings” means such earnings as are calculated in accordance with paragraph 41 or 51 of this scheme, as the case may be;

“net profit” means such profit as is calculated in accordance with paragraph 60 of this scheme;

“new dwelling” means, for the purposes of the definition of “second authority” and paragraphs 89, 96 and 101, the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

“non-dependant” has the meaning given by paragraph 9 of this scheme;

“occasional assistance” means any payment or provision made by a local authority, the Welsh Ministers, or the Scottish Ministers for the purposes of—

(a) meeting, or helping to meet an immediate short-term need—

- (i) arising out of an exceptional event or exceptional circumstances, or
- (ii) that needs to be met to avoid a risk to the well-being of an individual, and

(b) enabling qualifying individuals to establish or maintain a settled home, and—

(i) “local authority” has the meaning given by section 270(1) of the Local Government Act 1972; and

(ii) “qualifying individuals” means individuals who have been, or without the assistance might otherwise be—

(aa) in prison, hospital, an establishment providing residential care or other institution, or

(bb) homeless or otherwise living an unsettled way of life;

“occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

“occupational pension scheme” has the same meaning as in section 1 of the Pension Schemes Act 1993;

“parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996;

“partner”, in relation to a person, means—

(a) where that person is a member of a couple, the other member of that couple; or

(b) where that person is polygamously married to two or more members of his household, any such member to whom he is married;

“**paternity leave**” means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act;

“**pension fund holder**” means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers, or scheme administrators, as the case may be, of the scheme concerned;

“**pensionable age**” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995;

“**pensioner**” has the meaning given by paragraph 3(2)(a) of this scheme;

“**person on income support**” means a person in receipt of income support;

“**person who is not a pensioner**” has the meaning given by paragraph 3(2)(b) of this scheme;

“**persons treated as not being in Great Britain**” has the meaning given by paragraph 21 of this scheme;

“**personal independence payment**” has the meaning given by Part 4 of the Welfare Reform Act 2012;

“**personal pension scheme**” means—

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;

(b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004;

(c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

“**policy of life insurance**” means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

“**polygamous marriage**” means any marriage to which paragraph 5 of this scheme applies;

“**the Post Office**” means Post Office Limited (registered number 02154540)

“**Post Office compensation payment**” means a payment made by the Post Office or the Secretary of State for the purpose of providing compensation or support which is—

(a) in connection with the failings of the Horizon system; or

(b) otherwise, payable following the judgment in *Bates and Others v Post Office Ltd* ((No. 3) “Common Issues);

“**public authority**” includes any person certain of whose functions are functions of a public nature;

“**qualifying age for state pension credit**” means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002-

(a) in the case of a woman, pensionable age; or

(b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

“**qualifying contributory benefit**” means—

(a) severe disablement allowance;

(b) incapacity benefit;

(c) contributory employment and support allowance;

“**qualifying income-related benefit**” means—

(a) income support;

(b) income-based jobseeker’s allowance;

(c) income-related employment and support allowance;

“**qualifying person**” means—

(a) a person in respect of whom a Grenfell Tower support payment has been made or payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, Discretionary Fund, a Windrush payment, a Post Office compensation payment or a vaccine damage payment Scheme National Emergencies Trust or the London Bombings Relief Charitable Fund;

“**reduction week**” means a period of seven consecutive days beginning with a Monday and ending with a Sunday;

“**relative**” means a close relative, grandparent, grandchild, uncle, aunt, nephew, or niece;

“**relevant week**”, in relation to any particular day, means the week within which the day in question falls;

“**remunerative work**” has the meaning given by paragraph 10 of this scheme;

“**rent**” means “**eligible rent**” to which regulation 12 of the Housing Benefit (Persons who have acquired the qualifying age for state pension credit) Regulations 2006 refer, less any deductions in

respect of non-dependants which fall to be made under paragraph 29 (non-dependant deductions) of this scheme;

“**resident**” has the meaning given by Part 1 of the 1992 Act;

“**savings credit**” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

“**the Scottish Infected Blood Support Scheme**” means the scheme of that name administered by the Common Services Agency (constituted under section 10 of the National Health Service (Scotland) Act 1978(b))

“**Scottish basic rate**” means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007;

“**Scottish taxpayer**” has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998(f);”

“**second authority**” means the authority to which a mover is liable to make payments for the new dwelling;

“**self-employed earner**” is to be construed in accordance with section 2(1)(b) of the SSCBA;

“**self-employment route**” means assistance in pursuing self-employed earner’s employment whilst participating in—

(a) an employment zone programme;

(b) a programme provided by or under arrangements made pursuant to section 2 of the Employment and Training Act 1973 (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.); or

(c) the Employment, Skills, and Enterprise Scheme;

“**Service User**” references in this scheme to an applicant participating as a service user are to

- a person who is being consulted by or on behalf of—
 - (i) the Secretary of State in relation to any of the Secretary of State’s functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
 - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph;

“**single applicant**” means an applicant who neither has a partner nor is a lone parent;

“**the Skipton Fund**” means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme’s provisions;

“**sports award**” means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993 out of sums allocated to it for distribution under that section;

“**the SSCBA**” means the Social Security Contributions and Benefits Act 1992;

“**state pension credit**” means state pension credit under the State Pension Credit Act 2002;

“**statutory parental bereavement pay**” means a payment to which a person is entitled in accordance with section 171ZZ6 of the Social Security Contribution and Benefits Act 1992

“**tax year**” means a period beginning with 6th April in one year and ending with 5th April in the next;

“**training allowance**” means an allowance (whether by way of periodical grants or otherwise) payable—

(a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Chief Executive of Skills Funding, or the Welsh Ministers;

(b) to a person for his maintenance or in respect of a member of his family; and

(c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers, but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the Employment and Training Act 1973, or is training as a teacher;

“**the Trusts**” (except where the context otherwise requires) means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust and “**Trustees**” is to be construed accordingly;

“**universal credit**” has the meaning given by section 1 of the Welfare Reform Act 2012;

“**voluntary organisation**” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

“**Vaccine damage payment**” means a payment made under the Vaccine Damage Payments Act 1979;

“the Victims of Overseas Terrorism Compensation Scheme” means the scheme of that name established by the Ministry of Justice in 2012 under section 47 of the Crime and Security Act 2010

“war disablement pension” means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

“war pension” means a war disablement pension, a war widow’s pension, or a war widower’s pension;

“war widow’s pension” means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

“war widower’s pension” means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

“water charges” means—

(a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,

(b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;

“the We Love Manchester Emergency Fund” means the registered charity of that name (number 1173260) established on 30th May 2017;

“the Windrush Compensation Scheme” means—

(a) the scheme of that name operated by the Secretary of State for the purpose of compensating individuals who have suffered loss in connection with being unable to demonstrate their lawful status in the United Kingdom; and

(b) the policy entitled “Windrush Scheme: Support in urgent and exceptional circumstances” which was operated by the Secretary of State for the purpose of compensating individuals who, for urgent and exceptional reasons, required support in advance of the scheme referred to in paragraph (a) of this definition becoming operational;

“Windrush payment” means a payment made under the Windrush Compensation Scheme (Expenditure) Act 2020

“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002;

“young person” means a person who falls within the definition of qualifying young person in section 142 of the SSCBA.

(2) In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny must be disregarded if it is less than half a penny and must otherwise be treated as a whole penny.

(3) For the purpose of this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day—

(a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker’s Allowance Regulations 1996 or section 19 or 20A or regulations made under section 17A of the Jobseekers Act 1995 (circumstances in which a jobseeker’s allowance is not payable); or

(b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker’s allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker’s Allowance Regulations 1996 or section 19 or 20A or regulations made under section 17A of that Act;

(c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and no joint-claim jobseeker’s allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;

(d) in respect of which an income-based jobseeker’s allowance or a joint-claim jobseeker’s allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

(4) For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day—

- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act 2007 (disqualification); or
- (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

- (5) For the purposes of this scheme, two persons must be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- (6) In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).
- (7) In this scheme, references to any person participating as a service user are to –
- (a) a person who is being consulted by or on behalf of–
 - (i) a body which has a statutory duty to provide services in the field of health, social care, or social housing; or
 - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving services, In their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services;
 - (aa) a person who is being consulted by or on behalf of
 - (a) the Secretary of State in relation to any of the Secretary of State’s functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
 - (b) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions, in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or
- (b) the carer of a person consulted as described in sub-paragraph (a) or (aa) where the carer is not being consulted as described in that sub-paragraph.

Application of scheme: pensioners and persons who are not pensioners.

- 3 - (1) In this scheme–
- (a) a person is a “pensioner” if–
 - (i) he has attained the qualifying age for state pension credit; and
 - (ii), he is not and, if he has a partner, his partner is not–
 - (aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance, or
 - (bb) a person with an award of universal credit; and
 - (b) a person is a “person who is not a pensioner” if–
 - (i) he has not attained the qualifying age for state pension credit; or
 - (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is–
 - (aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance, or
 - (bb) a person with an award of universal credit.
- (2) For the purposes of sub-paragraphs (a)(ii)(bb) and (b)(ii)(bb) in paragraph (1) an award of universal credit is to be disregarded during the relevant period.
- (3) In this regulation–
- “assessment period” has the same meaning as in the Universal Credit Regulations 2013;
 - “relevant period” means the period beginning with the day on which P and each partner of P has attained the qualifying age for state pension credit and ending with the day on which the last assessment period for universal credit ends.

Meaning of “couple”

- 4.–(1) In this scheme “couple” means–
- (a) a man and woman who are married to each other and are members of the same household;

- (b) a man and woman who are not married to each other but are living together as if they were a married couple or civil partners;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.

(2) Two people of the same sex who are not civil partners of each other are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.

Polygamous marriages

5.—(1) This paragraph applies to any case where—

- (a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
- (b) either party to the marriage has for the time being any spouse additional to the other party.

(2) For the purposes of paragraph 4 neither party to the marriage is to be taken to be a member of a couple.

Meaning of “family”

- 6.—(1) In this scheme “family” means—
- (a) a couple;
 - (b) a couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person; or
 - (c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.
- (2) The references to a child or young person in sub-paragraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).
- (3) The references to a young person in sub-paragraph (1)(b) and (c) do not include a young person who is—
- (a) on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, or has an award of universal credit;
 - (b) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies;

Circumstances in which a person is to be treated as responsible or not responsible for another.

- 7.—(1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to whom paragraph 6(2) applies.
- (2) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person must be treated for the purposes of sub-paragraph (1) as normally living with—
- (a) the person who is receiving child benefit in respect of that child or young person, or
 - (b) if there is no such person—
 - (i) where only one claim for child benefit has been made in respect of him, the person who made that claim, or
 - (ii) in any other case the person who has the primary responsibility for him.
- (3) For the purposes of this scheme a child or young person is the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this paragraph is to be treated as not so responsible.

Households

8.—(1) Subject to sub-paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is treated (by virtue of paragraph 7) as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as

members of the same household notwithstanding that any of them is temporarily absent from that household.

- (2) A child or young person is not to be treated as a member of the applicant's household where he is—
- (a) placed with the applicant or his partner by a local authority under section 22C or 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or section 81(2) of the Social Services and Well-being (Wales) Act 2014 (ways in which looked after children are to be accommodated and maintained)”;
or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
 - (b) placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
 - (c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009 or the Adoption (Northern Ireland) Order 1987.
- (3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply to a child or young person who is not living with the applicant and who—
- (a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
 - (b) has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
 - (c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.
- (4) The authority must treat a child or young person to whom sub-paragraph (3)(a) applies as being a member of the applicant's household in any reduction week where—
- (a) that child or young person lives with the applicant for part or all of that reduction week; and
 - (b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.
- (5) In this paragraph “relevant enactment” means—
- (a) the Army Act 1955;
 - (b) the Air Force Act 1955;
 - (c) the Naval Discipline Act 1957;
 - (d) the Matrimonial Proceedings (Children) Act 1958;
 - (e) the Social Work (Scotland) Act 1968;
 - (f) the Family Law Reform Act 1969;
 - (g) the Children and Young Persons Act 1969;
 - (h) the Matrimonial Causes Act 1973;
 - (i) the Children Act 1975;
 - (j) the Domestic Proceedings and Magistrates' Courts Act 1978;
 - (k) the Adoption and Children (Scotland) Act 2007;
 - (l) the Family Law Act 1986;
 - (m) the Children Act 1989;
 - (n) the Children (Scotland) Act 1995; the Children's Hearings (Scotland) Act 2011; and;
 - (na) the Children's Hearings (Scotland) Act 2011; and
 - (o) the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Non-dependants

- 9.—(1) In this scheme, “non-dependant” means any person, except someone to whom subparagraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.
- (2) This paragraph applies to—
- (a) any member of the applicant's family;
 - (b) if the applicant is polygamously married,
 - (i) where the applicant has (alone or jointly with his partner) an award of universal credit, any—
 - (aa) party to such a marriage other than the applicant's partner; and

- (bb) any child or young person who is a member of his household and for whom he or his partner or another party to the polygamous marriage is responsible; or
 - (ii) in any other case, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
 - (c) a child or young person who is living with the applicant but who is not a member of his household by virtue of paragraph 8 (households);
 - (d) subject to sub-paragraph (3), any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under section 6 or 7 of the 1992 Act (persons liable to pay council tax);
 - (e) subject to sub-paragraph (3), any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
 - (f) a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.
- (3) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is a non-dependant—
- (a) a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either—
 - (i) that person is a close relative of his or his partner; or
 - (ii) the tenancy or other agreement between them is other than on a commercial basis;
 - (b) a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of a council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
 - (c) a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the change giving rise to the new liability was not made to take advantage of a council tax reduction scheme.

Remunerative work

- 10.—(1) Subject to the following provisions of this paragraph, a person must be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.
- (2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard must be had to the average of hours worked over—
- (a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
 - (b) in any other case, the period of 5 weeks immediately prior to the date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.
- (3) Where, for the purposes of sub-paragraph (2)(a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work must be disregarded in establishing the average hours for which he is engaged in work.
- (4) Where no recognisable cycle has been established in respect of a person's work, regard must be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- (5) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in sub-paragraph (1) if the absence is either without good cause or by reason of a recognised, customary, or other holiday.

- (6) A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week is to be treated as not being in remunerative work in that week.
- (7) A person must not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave, shared parental leave", parental bereavement leave or adoption leave, or is absent from work because he is ill.
- (8) A person must not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which—
 - (a) a sports award has been made, or is to be made, to him; and
 - (b) no other payment is made or is expected to be made to him.

PART 3 Procedural matters

Procedure for reduction applications and appeals against reduction decisions.

- 11. Schedule 1 contains provisions about the procedure—
 - (a) by which a person may apply for a reduction under this scheme;
 - (b) by which a person may make an appeal against certain decisions of the authority;
 - (c) by which a person can apply to the authority for a reduction under section 13A(1)(c) of the 1992 Act.

PART 4 Classes of person entitled to a reduction under this scheme.

- 12.—(1) The classes of person described in paragraphs 13 to 18 are entitled to a reduction under this scheme.
- (2) In those paragraphs, references to the applicant's income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant's estimated income or capital.

Class A: pensioners whose income is no greater than the applicable amount.

- 13. On any day class A consists of any person who is a pensioner—
 - (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 24 and Schedule 2, and
 - (f) who has made an application for a reduction under this scheme.

Class B: pensioners whose income is greater than the applicable amount.

- 14. On any day class B consists of any person who is a pensioner—
 - (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 24 and Schedule 2;
 - (f) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in respect of the day in the applicant's case; and
 - (ii) amount B is $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount, and
 - (g) who has made an application for a reduction under this scheme.

Class C: alternative maximum council tax reduction - pensioners

- 15.—(1) On any day class C consists of any person who is a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) who has made an application for a reduction under this scheme; and
 - (f) in relation to whom the condition in sub-paragraph (2) is met.
- (2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate income, of one or more residents to whom this sub-paragraph applies.
- (3) Sub-paragraph (1) applies to any other resident of the dwelling who—
- (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
 - (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
 - (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
 - or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
 - (d) is not a person who jointly with the applicant falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
 - (f) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Class D: persons who are not pensioners whose income is less than the applicable amount.

16. On any day class D consists of any person who is not a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) whose income (if any) for the relevant week is less than his applicable amount calculated in accordance with paragraph 25 and Schedule 3, and
 - (f) who has made an application for a reduction under this scheme.

Class E: persons who are not pensioners whose income is greater than the applicable amount.

17. On any day class E consists of any person who is not a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 25 and Schedule 3;
 - (f) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in his case; and
 - (ii) amount B is $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount, and
 - (g) who has made an application for a reduction under this scheme.

Class F: alternative maximum council tax reduction - persons who are not pensioners.

- 18.-(1) On any day class F consists of any person who is not a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) who has made an application; and
 - (f) in relation to whom the condition in sub-paragraph (2) is met.
- (2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the person in question in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate incomes, of one or more residents to whom this sub-paragraph applies.
- (3) Sub-paragraph (2) applies to any other resident of the dwelling who—
- (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; and
 - (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
 - (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant for the reduction is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
 - (d) is not a person who jointly with the applicant for reduction falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
 - (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Periods of absence from a dwelling - pensioners and persons who are not pensioners.

- 19 -(1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.
- (2) In sub-paragraph (1), a “period of temporary absence” means—
- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as—
 - (i) the person resides in that accommodation;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks, where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
 - (b) subject to sub-paragraph (2B), a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period is unlikely to exceed 13 weeks;
 - (c) a period of absence not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
 - (iii) the person is a person to whom sub-paragraph (3) applies; and

(iv) subject to sub-paragraph (2D), a period of absence within Great Britain is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period and;

(d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as— (i) the person intends to return to the dwelling; (ii) the part of the dwelling in which he usually resides is not let or sub-let; and (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks;

(2A) The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

(2B) Where—

(a) a person returns to Great Britain after a period of absence from Great Britain (period A);
(b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and

(c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,
then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

(2C) The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

(2D) Where —

1. a person returns to Great Britain after a period of absence from Great Britain (period A);
2. that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
3. at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,
then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

(2E) This sub-paragraph applies where—

1. a person is temporarily absent from Great Britain;
2. immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(2F) If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

1. the person's partner or a child or young person for whom the person or the person's partner is responsible;
2. the person's close relative;
3. the close relative of the person's partner; or
4. the close relative of a child or young person for whom the person or the person's partner is responsible,

then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in subparagraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).”;

(3) This sub-paragraph applies to a person who—

- (a) is a person to whom sub-paragraph (3A) applies;
 - (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007, or is detained in custody pending sentence upon conviction;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following a training course;
- (e) is undertaking medically approved care of a person;

- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom subparagraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

- (3A) This sub-paragraph applies to a person (“P”) who is—
- (a) detained in custody on remand pending trial;
 - (b) detained pending sentence upon conviction; or
 - (c) as a condition of bail required to reside—
 - (i) in a dwelling, other than a dwelling P occupies as P’s home; or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007(a), and who is not also detained in custody following sentence upon conviction.
- (3B) This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
 - (b) the person is a member of Her Majesty’s forces posted overseas, a mariner or a continental shelf worker;
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.
- (3D) This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
 - (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of subparagraph (3);
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.
- (3F) This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
 - (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of subparagraph (3);
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.
- (4) This sub-paragraph applies to a person who is—

- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995; and
- (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.

(5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—

- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
- (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
- (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.

(6) In this paragraph—

““continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998(a);

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964(b) as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and

- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“medically approved” means certified by a medical practitioner;

member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(c)), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;” and

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;

“residential accommodation” means accommodation which is provided in—

- (a) a care home;

- (b) an independent hospital;

- (c) an Abbeyfield Home; or

- (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

“training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department, or the Secretary of State.

Transitional provision

19A (1) Subject to paragraph (2), the amendments made by regulation 2(3)(a), shall not apply in respect of a person who is temporarily absent from Great Britain on 1st April 2017 until the day that person returns to Great Britain.

(2) Paragraph (1) does not apply to a person who, on 1st April 2017, is temporarily absent from Great Britain and is—

- (a) a member of Her Majesty’s forces posted overseas;

- (b) absent in the capacity of a continental shelf worker; or

(c) absent in the capacity of a mariner.

(3) In this regulation—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

(a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the dwelling that the person normally occupies as his home because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces; and

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998.

PART 5 Classes of person excluded from this scheme.

Classes of person excluded from this scheme.

20. The classes of person described in paragraphs 21 to 24 are not entitled to a reduction under this scheme.

Class of person excluded from this scheme: persons treated as not being in Great Britain

21.—(1) The class of person described in this paragraph consists of any person treated as not being in Great Britain.

(2) Except where a person falls within sub-paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland.

(3) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland unless the person has a right to reside in one of those places.

(4) For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with—

(a) regulation 13 of the EEA Regulations;

(aa) regulation 14 of the EEA Regulations but only in a case where the right exists under that regulation where the person is -

(i) a jobseeker for the purpose of the definition of a ‘qualified person’ in regulation 6(1) of those regulations, or,

(ii) a family member (within the meaning of regulation 7 of those regulations) of such a jobseeker

(b) regulation 16 of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph 5 of that regulation.

(4A) For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—

(a) (removed)

(b) Appendix EU to the immigration rules made under section 3(2) of that Act;

- (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
- (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act;

“(4B) Paragraph (4A)(b) does not apply to a person who—

- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
- (b) would have a right to reside under the EEA Regulations(6) if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b);

(5) A person falls within this sub-paragraph if the person is—

- (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—
 - (i) the Afghan Relocations and Assistance Policy; or
 - (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
- (zb) a person in Great Britain not coming within sub-paragraph (za) or (e) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;
- (zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
- (zd) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights, or Lebanon immediately before 7th October 2023, left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights, or Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
- (ze) a person who was residing in Sudan before 15th April 2023, left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
- (b) a family member of a person referred to in sub-paragraph (a);
- (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
- (cb) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
- (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971

- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion, or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance; or
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4)

(6) A person falls within this sub-paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.

(7) A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

(8) In this paragraph—

“claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;

“EEA Regulations” means the Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020;

“EEA national” has the meaning given in regulation 2(1) of the EEA Regulations;”;

“family member” has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);”;

“relevant person of Northern Ireland” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971.

Class of person excluded from this scheme: persons subject to immigration control.

22.—(1) Persons subject to immigration control are not entitled to a reduction under this scheme.

(2) “Person subject to immigration control” has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

(2A) A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom and is not a person subject to immigration control for the purpose of paragraph (1)dc

Class of person excluded from this scheme: capital limit.

23.—(1) The class of person described in this paragraph consists of any person whose capital exceeds £16,000.

(2) Capital for the purposes of sub-paragraph (1) is to be calculated in accordance with Part 10 of this scheme.

Class of person excluded from this scheme: students.

24. The class of person described in this paragraph consists of any student to whom paragraph 75(1) applies (except to the extent that a student may be entitled to an alternative maximum council tax reduction by virtue of paragraph 18).

PART 6 Applicable amounts

Applicable amounts: pensioners

- 25.- (1) The applicable amount for a pensioner for a week is the aggregate of such of the following amounts as apply in his case—
- (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 2 (personal allowance);
 - (b) an amount determined in accordance with paragraph 2 of that Schedule in respect of up to two individuals who are either children or young persons and who are members of his family.
 - (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of that Schedule (family premium);
 - (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums).
- (1A) For the purposes of sub-paragraph (1)(b) as it applies apart from sub-paragraph (1C), where the family includes more than two individuals who are either children or young persons and under paragraph 2 of that Schedule a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.
- (1B) Sub-paragraph (1C) applies where—
- (a) (whether or not as part of a tax credit couple as defined in section 3(5A) of the Tax Credits Act 2002) the applicant has an award of child tax credit (whether or not any amount is payable by way of such credit) in respect of a child or young person who is a member of his family; and
 - (b) the total amount to be included in the applicable amount under sub-paragraph (1)(b) as substituted by sub-paragraph (1C) would be higher than the total amount that would be included under paragraph (1)(b) apart from sub-paragraph (1C).
- (1C) Where this paragraph applies, for sub-paragraph (1)(b) substitute—
- (b) an amount determined in accordance with paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;”
- (2) In Schedule 2—
- “additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;
- “patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005

Applicable amounts: persons who are not pensioners.

- 26.—(1) Subject to paragraphs 27 and 28, the applicable amount for a week for a person who is not a pensioner is the aggregate of such of the following amounts as may apply in his case—
- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 of Schedule 3;
 - (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 3 of that Schedule;
 - (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of that Schedule (family premium);
 - (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums);
 - (e) the amount of either the—
 - (i) work-related activity component; or

- (ii) support component,
- (f) which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components));
- (g) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

(2) In Schedule 2–

“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005

(3) In Schedule 3–

“additional spouse” means a spouse by the party to the marriage who is additional to the party to the marriage;

“converted employment and support allowance” means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations 2008;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

Polygamous marriages: persons who are not pensioners.

27.–(1) This paragraph applies where an applicant who is not a pensioner is a member of a polygamous marriage and does not have (alone or jointly with a party to a marriage), an award of universal credit.

(2) The applicable amount for a week of an applicant where this paragraph applies is the aggregate of such of the following amounts as may apply in his case–

- (a) the amount applicable to him and one of his partners determined in accordance with paragraph 1(3) of Schedule 3 as if he and that partner were a couple;
- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of that Schedule in respect of each of his other partners;
- (c) an amount determined in accordance with paragraph 2 of that Schedule (main phase employment and support allowance) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- (d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part 2 of that Schedule (family premium);
- (e) the amount of any premiums which may be applicable to him determined in accordance with Parts 3 and 4 of that Schedule (premiums);
- (f) the amount of either the–
 - a. (i) work-related activity component; or
 - b. (ii) support component,
 which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components);
- (g) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

Applicable amount: persons who are not pensioners who have an award of universal credit.

28.–(1) Subject to sub-paragraph (2), in determining the applicable amount for a week of an applicant who is not a pensioner–

- (a) who has, or
- (b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (3).

- (2) In determining the applicable amount for a week of an applicant who is a member of a polygamous marriage, the fact that two people are husband and wife is to be disregarded if—
 - (a) one of them is a party to an earlier marriage that still subsists; and
 - (b) the other party to that earlier marriage is living in the same household.
- (3) The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.
- (4) In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012.

PART 7 Maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction.

Maximum council tax reduction amount under this scheme: pensioners and persons who are not pensioners.

- 29.—(1) Subject to sub-paragraphs (2) to (4), the maximum council tax reduction payable to a pensioner in respect of a day is 100 per cent of the amount A/B where—
- (a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
 - (b) B is the number of days in that financial year less any deductions in respect of non-dependants which fall to be made under paragraph 29 (non-dependant deductions: pensioners and persons who are not pensioners).
- (2) In calculating a person’s maximum council tax reduction under this scheme any support in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than a support under this scheme), is to be taken into account.
 - (3) Subject to sub-paragraph (5), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax reduction in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.
 - (4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (4) does not apply in his case.
 - (5) The reference in sub-paragraph (4) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 73(2) applies.
 - (6) In this paragraph “relevant financial year” means, in relation to any particular day, the financial year within which the day in question falls.

Non-dependant deductions: pensioners and persons who are not pensioners.

- 30.—(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 29 (maximum council tax reduction) shall be;
- (a) in respect of a non-dependant aged 18 or over in remunerative work, $£15.10 \times 1/7$;
 - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, $£4.90 \times 1/7$.
- (2) In the case of a non-dependant aged 18 or over to whom paragraph 30.1(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—
 - (a) less than £256.00, the deduction to be made under this paragraph shall be that specified in paragraph 30.1(b);
 - (b) not less than £256.00, but less than £445.00, the deduction to be made under this section shall be $£10.05 \times 1/7$;
 - (c) not less than £445.00, but less than £554.00, the deduction to be made under this section

shall be £12.60 x 1/7.

- (3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.
- (4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.
- (5) Where in respect of a day—
 - (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
 - (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and
 - (c) the person to whom paragraph (a) refers is a non-dependent of two or more of the liable persons, the deduction in respect of that non-dependent must be apportioned equally between those liable persons.
- (6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—
 - (a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or
 - (b) receiving in respect of himself—
 - (i) attendance allowance, or would be receiving that allowance but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or
 - (iv) an AFIP or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- (7) No deduction is to be made in respect of a non-dependent if—
 - (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) he is a full-time student within the meaning of Part 11 (students); or
 - (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
 - (i) "patient" has the meaning given in paragraph 19(6), and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.
- (8) No deduction is to be made in respect of a non-dependent—
 - (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance?

- (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependent who is a student to whom paragraph 4 of that Schedule refers, or
- (c) is entitled to an award of Universal Credit where the award is calculated on the basis that the person does not have any earned income.

(9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependent's weekly gross income—

- (a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006), the Windrush Compensation Scheme or the National Emergencies Trust, the Victims of Overseas Terrorism Compensation Scheme which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).
- (d) any Post Office compensation payment;
- (e) any vaccine damage payment;
- (f) any payment out of the estate of a person to that person's son, daughter, step-son, or step-daughter, which derives from a payment to meet the recommendation of the Infected Blood Inquiry in its interim report published on 29th July 2022 made under or by the Scottish Infected Blood Support Scheme or an approved blood scheme.

PART 8 Alternative maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction.

Alternative maximum council tax reduction under this scheme: pensioners and persons who are not pensioners.

31.—(1) Subject to sub-paragraphs (2) and (3), the alternative maximum council tax reduction in respect of a day where the conditions set out in paragraph 15 (alternative maximum council tax reduction: pensioners) or 18 (alternative maximum council tax reduction: persons who are not pensioners) are fulfilled, is the amount determined in accordance with Schedule 4 (amount of alternative council tax reduction).

(2) Subject to sub-paragraph (3), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the alternative maximum council tax reduction in his case, the amount determined in accordance with Schedule 4 must be divided by the number of persons who are jointly and severally liable for that tax.

(3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, solely by virtue of section 9 of the 1992 Act (liability of spouses and civil partners), sub-paragraph (2) does not apply in his case.

**PART 9 Amount of reduction under this scheme
Amount of reduction under this scheme: Classes A to F**

32.—(1) Where a person is entitled to a reduction under this scheme in respect of a day, the amount of the reduction to which he is entitled is as follows.

(2) Where the person is within class A or D, that amount is the amount which is the maximum council tax reduction in respect of the day in the applicant's case.

(3) Where the person is within class B or E, that amount is the amount found by deducting amount B from amount A, where "amount A" and "amount B" have the meanings given in paragraph 14(f) or 17(f), as the case may be.

(4) Where the person is within class C or F, that amount is the amount which is the alternative maximum council tax reduction in respect of the day in the applicant's case.

- (5) Sub-paragraph (6) applies where both—
 - (a) sub-paragraph (2) or sub-paragraph (3), and
 - (b) sub-paragraph (4),
 apply to a person.
- (6) Subject to the maximum reduction specified by paragraph 12 and 28, the amount of the reduction to which the person is entitled is whichever is the greater of—
 - (a) the amount of the reduction given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and
 - (b) the amount of the reduction given by sub-paragraph (4).

PART 10 Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction.

CHAPTER 1 Income and capital: general

Calculation of income and capital: applicant’s family and polygamous marriages

- 33.—(1) The income and capital of—
 - (a) an applicant; and
 - (b) any partner of that applicant,
 (c) is to be calculated in accordance with the provisions of this Part.
- (2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.
- (3) Except where paragraph 37 applies, where an applicant or the partner of an applicant is married polygamously to two or more members of his household—
 - (a) the applicant must be treated as possessing capital and income belonging to each such member; and
 - (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

Circumstances in which income and capital of non-dependent is to be treated as applicants.

- 34.—(1) Sub-paragraph (2) applies where it appears to the authority that a non-dependent and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependent has more income and capital than the applicant.
- (2) Except where—
 - (a) the applicant is a pensioner and is on a guarantee credit, or
 - (b) the applicant is not a pensioner and is on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance,
 the authority must treat the applicant as possessing income and capital belonging to that non-dependent and, in such a case, any income and capital which the applicant does possess is to be disregarded.
- (3) Where an applicant is treated as possessing income and capital belonging to a non-dependent under sub-paragraph (2) the income and capital of that non-dependent must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the “applicant” is to be construed for the purposes of this Part as if it were a reference to that non-dependent.

CHAPTER 2 Income and capital: pensioners in receipt of guarantee credit or savings credit

Applicant in receipt of guarantee credit: pensioners

- 35. In the case of an applicant who is a pensioner and who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of his capital and income must be disregarded.

Calculation of applicant’s income and capital in savings credit only cases: pensioners.

- 36.—(1) In determining the income and capital of an applicant who is a pensioner and who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, the authority must use the calculation or estimate of the applicant's or as the case may be, the applicant's partner's income and capital made by the Secretary of State for the purpose of determining the award of state pension credit.
- (2) Where the calculation or estimate provided by the Secretary of State includes the amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account—
- (a) the amount of any savings credit payable;
 - (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 57(1)(c) (calculation of income on a weekly basis);
 - (c) the higher amount disregarded under this scheme in respect of—
 - (i) lone parent's earnings; or
 - (ii) payments of maintenance, whether under a court order or not, which is made or due to be made by—
 - (aa) the applicant's former partner, or the applicant's partner's former partner; or
 - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
 - (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 5 (sums disregarded from applicant's earnings: pensioners);
 - (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under paragraph 8, to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
 - (f) paragraph 34 (circumstances in which capital and income of a non-dependent is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
 - (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable);
 - (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 5 (exempt work).
- (3) Paragraphs 39 to 46 (calculation of income: pensioners) and 57 to 61 (calculation of income: pensioners and persons who are not pensioners) do not apply to the amount of the net income to be taken into account under sub-paragraph (1) but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).
- (4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 63, 65 to 68 and 70 (calculation of capital: pensioners).
- (5) This sub-paragraph applies if—
- (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less or the authority determines his capital as being £16,000 or less;
 - (b) subsequent to that determination the applicant's capital rises to more than £16,000; and
 - (c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act 2002.

CHAPTER 3 Income and capital where there is an award of universal credit.

Calculation of income and capital: persons who are not pensioners who have an award of universal credit.

- 37.—(1) In determining the income of an applicant—
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the amount of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit. For the avoidance of doubt the award of Universal Credit shall be determined **before** any deduction, sanction, advance etc.
- (2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.

- (3) The authority may only adjust the amount of the income as adjusted in accordance with sub-paragraph (2) so far as necessary to take into account—
 - (a) the amount of the award of universal credit **before** any deduction, sanction, advance etc;
 - (b) paragraph 34 (circumstances in which income and capital of non-dependent is to be treated as applicant’s), if the authority determines that the provision applies in the applicant’s case;
 - (c) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).
- (4) The amount for the award of universal credit to be taken into account for the purposes of sub-paragraph (3)(a) is to be determined by multiplying the amount of the award of universal credit by 12 and dividing the product by 52.
- (5) Paragraph 34 (income and capital of non-dependent to be treated as applicant’s) applies for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (3).
- (6) In determining the capital of an applicant—
 - (a) who has, or
 - (b) who (jointly with his partner) has,
 an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.
- (7) In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012.

Tolerance of cases where Universal Credit is in payment.

- (8) Where the authority receives any notification from the Secretary of State for Work and Pensions that a person who is awarded Universal Credit has a change in that award of less than £5, no adjustment shall be made to the applicant’s Council Tax Reduction.

CHAPTER 4 Income: other pensioners

Calculation of income and capital where state pension credit is not payable: pensioners.

38. Where neither paragraph 35 (applicant in receipt of guarantee credit: pensioners) nor 36 (applicant in receipt of savings credit only: pensioners) applies in the applicant’s case, his income and capital is to be calculated or estimated in accordance with paragraphs 39 to 46 and 57 to 62 (calculation of income) and Chapter 7 of this Part (calculation of capital).

Meaning of “income”: pensioners

- 39.—(1) For the purposes of classes A to C in this scheme, “income” means income of any of the following descriptions—
 - (a) earnings;
 - (b) working tax credit;
 - (c) retirement pension income within the meaning of the State Pension Credit Act 2002;
 - (d) income from annuity contracts (other than retirement pension income);
 - (e) a war disablement pension or war widow’s or widower’s pension;
 - (f) a foreign war disablement pension or war widow’s or widower’s pension;
 - (g) a guaranteed income payment;
 - (h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, in any case where article 31(2)(c) applies;
 - (zi) Universal Credit;
 - (i) income from capital other than capital disregarded under Part 1 of Schedule 9;
 - (j) social security benefits, other than retirement pension income or any of the following benefits—
 - (i) disability living allowance;
 - (ii) personal independence payment;
 - (iii) an AFIP;
 - (iiia) the daily living component of adult disability payment;
 - (iv) attendance allowance payable under section 64 of the SSCBA (entitlement to attendance allowance);

- (v) an increase of disablement pension under section 104 (increase for constant attendance) or 105 of that Act (increase for exceptionally severe disablement);
- (vi) child benefit;
- (vii) any guardian's allowance payable under section 77 of the SSCBA (guardian's allowance);
- (viii) any increase for a dependent, other than the applicant's partner, payable in accordance with Part 4 of that Act (increases for dependants);
- (ix) any—
 - (aa) social fund payment made under Part 8 of the SSCBA (the social fund), or
 - (bb) occasional assistance;
- (x) Christmas bonus payable under Part 10 of that Act (Christmas bonus for pensioners);
- (xi) housing benefit;
- (xii) council tax benefit;
- (xiii) bereavement payment;
- (xiv) statutory sick pay;
- (xv) statutory maternity pay;
- (xvi) ordinary statutory paternity pay payable under Part 12ZA of the SSCBA;
- (xvii) statutory shared parental pay under Part 12ZC of that Act;
- (xviii) statutory parental bereavement pay under Part 12ZD of the SSCBA;
- (xix) additional statutory paternity pay payable under Part 12ZA of the SSCBA;
- (xx) statutory adoption pay payable under Part 12ZB of that Act (statutory adoption pay);
- (xxi) Removed
- (xxii) carer's allowance supplement payable under section 81 of the Social Security (Scotland) Act 2018;
- (xxiii) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018;
- (xxiv) funeral expense assistance given in accordance with section 34 of that Act;
- (xxv) any Scottish child payment assistance given in accordance with section 79 of that Act;
- (xxvi) any assistance given in accordance with the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019(11);
- (xxvii) short-term assistance given in accordance with regulations under section 36 of the Social Security (Scotland) Act 2018(12);
- (xxviii) winter heating assistance given in accordance with regulations under section 30 of that Act;
- (xxix) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland
- (k) all foreign social security benefits which are similar to the social security benefits mentioned above;
- (l) a payment made—
 - (i) under article 30 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (award for children who have reached the child's age limit), in any case where article 30(1)(b) applies; or
 - (ii) under article 12(8) of that Order (unemployability allowances: children who have reached the child's age limit), in any case where sub-paragraph (b) of that article applies;
- (m) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
- (n) payments under a scheme made under the Pneumoconiosis etc. (Worker's Compensation) Act 1979;
- (o) payments made towards the maintenance of the applicant by his spouse, civil partner, former spouse, or former civil partner or towards the maintenance of the applicant's partner by his spouse, civil partner, former spouse, or former civil partner, including payments made—
 - (i) under a court order;
 - (ii) under an agreement for maintenance; or
 - (iii) voluntarily;
- (p) payments due from any person in respect of board and lodging accommodation provided by the applicant;
- (q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent, or trade mark;
- (r) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or

- (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982;
 - (s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;
 - (t) any sum payable by way of pension out of money provided under—
 - (i) the Civil List Act 1837,
 - (ii) the Civil List Act 1937,
 - (iii) the Civil List Act 1952,
 - (iv) the Civil List Act 1972, or
 - (v) the Civil List Act 1975;
 - (u) any income in lieu of that specified in paragraphs (a) to (r);
 - (v) any payment of rent made to an applicant who—
 - (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
 - (ii) occupies part of the property; and
 - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent;
 - (w) any payment made at regular intervals under an equity release scheme;
 - (x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.
- (2) Where the payment of any social security benefit referred to in sub-paragraph (1) or retirement pension income to which section 16(1)(za) to (e) of the State Pension Credit Act 2002 applies is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.
- (3) Where an award of any working tax credit or child tax credit is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (4) The adjustments specified in this sub-paragraph are those made in accordance with—
- (a) the Social Security (Overlapping Benefits) Regulations 1979;
 - (b) the Social Security (Hospital In-Patients) Regulations 1975;
 - (c) section 30DD or section 30E of the SSCBA (reductions in incapacity benefit in respect of pensions and councillor's allowances);
 - (d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor's allowances) and regulations made under it;
 - (e) section 14 of the Pensions Act 2014 (pension sharing: reduction in sharer's section 4 pension);
 - (f) section 45B or 55B of the Social Security Contributions and Benefits Act 1992 (reduction in additional pension in Category A retirement pension and shared additional pension: pension sharing).
- (5) In sub-paragraph (1)(w), "equity release scheme" means a loan—
- (a) made between a person ("the lender") and the applicant;
 - (b) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
 - (c) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home?

Calculation of weekly income: pensioners

- 40.—(1) Except in a case within sub-paragraph (2), (3A), (4A) or (5), for the purposes of calculating the weekly income of an applicant who is a pensioner, where the period in respect of which a payment is made—
- (a) does not exceed a week, the whole of that payment is to be included in the applicant's weekly income;
 - (b) exceeds a week, the amount to be included in the applicant's weekly income is to be determined—
 - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;

- (ii) in a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;
- (iii) in a case where that period is a year, by dividing the amount of the payment by 52;
- (iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.

(2) Sub-paragraph (3) applies where—

- (a) the applicant's regular pattern of work is such that he does not work the same hours every week; or
- (b) the amount of the applicant's income fluctuates and has changed more than once.

(3) The weekly amount of that applicant's income is to be determined—

- (a) if, in a case to which sub-paragraph (2)(a) applies, there is a recognised cycle of work, by reference to his average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the applicant does not work, those periods but disregarding any other absences); or
- (b) in any other case, on the basis of—
 - (i) the last two payments if those payments are one month or more apart;
 - (ii) the last four payments if the last two payments are less than one month apart; or
 - (iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant's average weekly income to be determined more accurately.

(3A) Income calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—

- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
- (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
- (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date the applicant's earnings from employment change so as to require recalculation under this paragraph, and the first day of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week.

(4) For the purposes of sub-paragraph (3)(b) the last payments are the last payments before the date the application was made or treated as made.

(4A) An applicant's earnings from employment as an employed earner not calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—

- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
- (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
- (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date of the change, and the beginning of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week.

(5) If the applicant is entitled to receive a payment to which sub-paragraph (6) applies, the amount of that payment is to be treated as if made in respect of a period of a year.

(6) This sub-paragraph applies to—

- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent, or trade mark;
- (b) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982; and
- (c) any payment which is made on an occasional basis.

- (7) The period under which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.
- (8) Where payments are made in a currency other than Sterling, the value of the payment is to be determined by taking the Sterling equivalent on the date the payment is made.
- (9) The sums specified in Schedule 5 are to be disregarded in calculating—
 - (a) the applicant’s earnings; and
 - (b) any amount to which sub-paragraph (6) applies where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in sub-paragraph (6)(b).
- (10) For the purposes of sub-paragraph (9)(b), and for that purpose only, the amounts specified in sub-paragraph (6) is to be treated as though they were earnings.
- (11) Income specified in Schedule 6 is to be disregarded in the calculation of the applicant’s income.
- (12) Schedule 9 (capital disregards: pensioners) has effect so that—
 - (a) the capital specified in Part 1 is disregarded for the purpose of determining an applicant’s income; and
 - (b) the capital specified in Part 2 is disregarded for the purpose of determining an applicant’s income under paragraph 71 (calculation of tariff income from capital: pensioners).
- (13) In the case of any income taken into account for the purpose of calculating a person’s income any amount payable by way of tax is disregarded.

Earnings of employed earners: pensioners

- 41.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner who is a pensioner, means any remuneration or profit derived from that employment and includes—
- (a) any bonus or commission;
 - (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
 - (c) any payment in lieu of notice;
 - (d) any holiday pay;
 - (e) any payment by way of a retainer;
 - (f) any payment made by the applicant’s employer in respect of expenses not wholly, exclusively, and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant’s employer in respect of—
 - (i) travelling expenses incurred by the applicant between his home and place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant’s absence from home;
 - (g) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001;
 - (h) statutory sick pay and statutory maternity pay payable by the employer under the SSCBA;
 - (i) statutory paternity pay payable under Part 12ZA of that Act;
 - (j) statutory adoption pay payable under Part 12ZB of that Act;
 - (k) any sums payable under a contract of service—
 - (i) for incapacity for work due to sickness or injury; or
 - (ii) by reason of pregnancy or confinement.
- (2) Earnings does not include—
- (a) subject to sub-paragraph (3), any payment in kind;
 - (b) any payment in respect of expenses wholly, exclusively, and necessarily incurred in the performance of the duties of the employment;
 - (c) any occupational pension;
 - (d) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme;
 - (e) any payment of compensation made pursuant to an award by an employment tribunal established under the Employment Tribunals Act 1996 in respect of unfair dismissal or unlawful discrimination;

(f) any payment in respect of expenses arising out of the applicant's participation in a service user group.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(g).

Calculation of net earnings of employed earners: pensioners

42.–(1) For the purposes of paragraph 57 (calculation of income on a weekly basis), the earnings of an applicant who is a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to paragraph 40(5) and Schedule 5 (sums to be disregarded from earnings: pensioners), be his net earnings.

(2) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (5) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

(a) any amount deducted from those earnings by way of—

(i) income tax;

(ii) primary Class 1 contributions under the SSCBA;

(b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;

(c) one-half of the amount calculated in accordance with sub-paragraph (4) in respect of any qualifying contribution payable by the applicant; and

(d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

(3) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.

(4) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined—

(a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;

(b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.

(5) Where the earnings of an applicant are determined under paragraph 40(2)(b) (calculation of weekly income: pensioners) his net earnings is to be calculated by taking into account those earnings over the assessment period, less—

(a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;

(b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and

(c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme if the earnings so estimated were actual earnings.

Calculation of earnings of self-employed earners: pensioners

43.–(1) Where the earnings of an applicant who is a pensioner consist of earnings from employment as a self-employed earner, the weekly amount of his earnings is to be determined by reference to his average weekly earnings from that employment—

- (a) over a period of one year; or
 - (b) where the applicant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period (“computation period”) as may, in the particular case, enable the weekly amount of his earnings to be determined more accurately.
- (2) For the purposes of determining the weekly amount of earnings of an applicant to whom sub-paragraph (1)(b) applies, his earnings over the computation period are to be divided by the number equal to the number of days in that period and the product multiplied by 7.
- (3) The period over which the weekly amount of an applicant’s earnings is calculated in accordance with this paragraph is to be his assessment period.

Earnings of self-employed earners: pensioners

- 44.–(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner who is a pensioner, means the gross income of the employment.
- (2) “Earnings” in the case of employment as a self-employed earner does not include–
- (a) where an applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation for which payment is made, those payments;
 - (b) any payment made by a local authority to an applicant–
 - (i) with whom a person is accommodated by virtue of arrangements made under section 22C or 23(2)(a) of the Children Act 1989 or, as the case may be, section 26(1) of the Children (Scotland) Act 1995; or
 - (ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009 or who is a kinship carer under those Regulations;
 - (c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations);
 - (d) any payment made to the applicant or his partner for a person (“the person concerned”) who is not normally a member of the applicant’s household but is temporarily in his care, by–
 - (i) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (ii) a voluntary organisation;
 - (iii) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006; or
 - (v) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
 - (vi) the persons concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (respectively, duty and power to meet care and support needs of an adult);
 - (da) any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care) to a person (“A”) which A passes on to the applicant where A–
 - (i) was formerly in the applicant’s care;
 - (ii) is aged 16 or over; and
 - (iii) continues to live with the applicant;
 - (db) any payments made to an applicant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance: further provisions
 - (e) any sports award.

Notional income: pensioners

- 45.–(1) An applicant who is a pensioner is to be treated as possessing–
- (a) subject to sub-paragraph (2), the amount of any retirement pension income–
 - (i) for which no claim has been made; and
 - (ii) to which he might expect to be entitled if a claim for it were made;
 - (b) income from an occupational pension scheme which the applicant elected to defer.
- (2) Sub-paragraph (1)(a) does not apply to the following where entitlement has been deferred–
- (a) a Category A or Category B retirement pension payable under sections 43 to 55 of the SSCBA;
 - (b) a shared additional pension payable under section 55A of the SSCBA;

- (c) graduated retirement benefit payable under sections 36 and 37 of the National Insurance Act 1965.
- (3) For the purposes of sub-paragraph (2), entitlement has been deferred—
- (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
 - (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
 - (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.
- (4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit—
- (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
 - (b) fails to purchase an annuity with the funds available in that scheme; and
 - (c) either—
 - (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or
 - (ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or
 - (iii) income withdrawal is not available to him under that scheme.
- (5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.
- (6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the maximum amount of income which may be withdrawn from the fund and must be determined by the authority, taking account of information provided by the pension fund holder.
- (7) The amount of any income foregone in a case where sub-paragraph (4)(c)(iii) applies is to be the income that the applicant could have received without purchasing an annuity had the funds held under the relevant scheme been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and is to be determined in the manner specified in sub-paragraph (6).
- (8) In sub-paragraph (4), “money purchase benefits” has the same meaning as in the Pension Schemes Act 1993.
- (9) Subject to sub-paragraphs (10) and (12), a person is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of the reduction.
- (10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.
- (11) In sub-paragraph (10), “lump sum” means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.
- (12) Sub-paragraph (9) does not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant’s participation in a service user group.
- (13) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects to apply, to the date on which the altered rate is to take effect.

- (14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with sub-paragraph (13), the authority must—
- (a) determine the income and capital of that applicant in accordance with paragraph 36(1) (calculation of applicant’s income in savings credit only cases: pensioners) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
 - (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).
- (15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of income where—
- (a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from the scheme, and
 - (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004.
- (16) In sub-paragraph (15), “registered pension scheme” has the meaning given in section 150(2) of the Finance Act 2004.

Income paid to third parties: pensioners.

- 46.—(1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of an applicant who is a pensioner is to be treated as possessed by the applicant.
- (2) Sub-paragraph (1) does not apply in respect of a payment of income made under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
- (a) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person’s estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (c) the person referred to in paragraph (a) and his partner does not possess, or is not treated as possessing, any other income apart from that payment.
- (3) Sub-paragraph (1) does not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the applicant’s participation in a service user group.

CHAPTER 5 Income: persons who are not pensioners.

Average weekly earnings of employed earners: persons who are not pensioners.

- 47.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment—
- (a) over a period immediately preceding the reduction week in which the application is made or treated as made and being a period of—
 - (i) 5 weeks, if he is paid weekly; or
 - (ii) 2 months, if he is paid monthly; or
 - (b) whether or not paragraph (a)(i) or (ii) applies, where an applicant’s earnings fluctuate, over such other period preceding the reduction week in which the application is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.
- (2) Where the applicant has been in his employment for less than the period specified in sub-paragraph (1)(a)(i) or (ii)—

- (a) if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings must be estimated by reference to those earnings;
 - (b) in any other case, the authority must estimate the applicant's average weekly earnings.
- (3) Where the amount of an applicant's earnings changes the authority must estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed 52 weeks.
- (3A) Income calculated pursuant to sub-paragraphs (2) and (3) must be taken into account---
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
 - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of each reduction week following the date the applicant commences that employment and the first day of each reduction week thereafter; or
 - (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date the applicant's earnings from employment change so as to require calculation under this paragraph, and the first day of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week thereafter,
- (4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 51 and 52 (earnings of employed earners: persons who are not pensioners).
- (4A) An applicant's earnings from employment as an employed earner not calculated pursuant to sub-paragraphs (2) and (3) must be taken into account---
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
 - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment and the first day of each reduction week thereafter; or
 - (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date of the change, and the beginning of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week.

Average weekly earnings of self-employed earners: persons who are not pensioners.

- 48.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as a self-employed earner his average weekly earnings must be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed a year.
- (2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 53, 61 and 62 (earnings, and net profit, of self-employed earners).

Average weekly income other than earnings: persons who are not pensioners.

- 49.—(1) The income of an applicant who is not a pensioner which does not consist of earnings must, except where sub-paragraph (2) applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period must not in any case exceed 52 weeks; and nothing in this paragraph authorises an authority to disregard any such income other than that specified in Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners).
- (2) The period over which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.
- (3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 54 (calculation of income other than earnings: persons who are not pensioners).

Calculation of weekly income of employed earners: persons who are not pensioners.

- 50.—(1) For the purposes of paragraphs 47 (average weekly earnings of employed earners), 49 (average weekly income other than earnings) and 59 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made—
- (a) does not exceed a week, the weekly amount is to be the amount of that payment;
 - (b) exceeds a week, the weekly amount is to be determined—
 - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - (ii) in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.
- (2) For the purposes of paragraph 48 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

Earnings of employed earners: persons who are not pensioners.

- 51.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner of a person who is not a pensioner, means any remuneration or profit derived from that employment and includes—
- (a) any bonus or commission;
 - (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
 - (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
 - (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
 - (e) any payment by way of a retainer;
 - (f) any payment made by the applicant’s employer in respect of expenses not wholly, exclusively, and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant’s employer in respect of—
 - (i) travelling expenses incurred by the applicant between his home and place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant’s absence from home;
 - (g) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
 - (h) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
 - (i) any such sum as is referred to in section 112 of the SSCBA (certain sums to be earnings for social security purposes);
 - (j) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
 - (k) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
 - (l) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.
- (2) Earnings does not include—
- (a) subject to sub-paragraph (3), any payment in kind;
 - (b) any payment in respect of expenses wholly, exclusively, and necessarily incurred in the performance of the duties of the employment;
 - (c) any occupational pension;
 - (d) any payment in respect of expenses arising out of the applicant’s participation in a service user group.
- (3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(l).

Calculation of net earnings of employed earners: persons who are not pensioners.

- 52.–(1) For the purposes of paragraph 47 (average weekly earnings of employed earners: persons who are not pensioners), the earnings of an applicant who is not a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be his net earnings.
- (2) There is to be disregarded from an applicant’s net earnings, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).
- (3) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (6) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less–
- (a) any amount deducted from those earnings by way of–
 - (i) income tax;
 - (ii) primary Class 1 contributions under the SSCBA;
 - (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
 - (c) one-half of the amount calculated in accordance with sub-paragraph (5) in respect of any qualifying contribution payable by the applicant; and
 - (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.
- (4) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.
- (5) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined–
- (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- (6) Where the earnings of an applicant are estimated under paragraph 47(2)(b) (average weekly earnings of employed earners: classes D to H), his net earnings is to be calculated by taking into account those earnings over the assessment period, less–
- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 35, 36 or 37 of the Income Tax Act 2007 as is personal reliefs to which the applicant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are; (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
 - (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
 - (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings

Earnings of self-employed earners: persons who are not pensioners.

- 53.–(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment.

- (2) “Earnings” does not include any payment to which paragraph 31 or 32 of Schedule 8 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority, or voluntary organisation in respect of persons temporarily in the applicant’s care) nor does it include any sports award.
- (3) This paragraph applies to—
- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent, or trade mark; or
 - (b) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.
- (4) Where the applicant’s earnings consist of any items to which sub-paragraph (3) applies, those earnings must be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by—
- (a) the amount of reduction under this scheme to which the applicant would have been entitled had the payment not been made, plus;
 - (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) as appropriate in the applicant’s case.

Calculation of income other than earnings: persons who are not pensioners.

- 54.—(1) For the purposes of paragraph 49 (average weekly income other than earnings: persons who are not pensioners), the income of an applicant who is not a pensioner which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 55 (capital treated as income: persons who are not pensioners).
- (2) There is to be disregarded from the calculation of an applicant’s gross income under sub-paragraph (1), any sum, where applicable, specified in Schedule 8.
- (3) Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under sub-paragraph (1) must be the gross amount payable.
- (4) Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- (5) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (6) Sub-paragraphs (7) and (8) apply where—
- (a) a relevant payment has been made to a person in an academic year; and
 - (b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- (7) Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula—

$$(A - (B \times C)) / D$$

Where;

- A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 81(5) (costs of travel, books, and equipment);
- B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;
- C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 81(2) (treatment of student loans) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;
- D = the number of reduction weeks in the assessment period.

(8) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula in sub-paragraph (8) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 81(5).

(9) In this paragraph—

“academic year” and “student loan” have the same meanings as in Part 11 (students);

“assessment period” means—

- (a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
- (b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—
- (i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
- (ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,
- whichever of those dates is earlier;

“quarter” in relation to an assessment period means a period in that year beginning on—

- 1st January and ending on 31st March;
 1st April and ending on 30th June;
 1st July and ending on 31st August; or
 1st September and ending on 31st December;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 76(7) or both.

(10) For the avoidance of doubt there must be included as income to be taken into account under sub-paragraph (1)—

- (a) any payment to which paragraph 41(2) or 51(2) (payments not earnings) applies; or
- (b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

Capital treated as income: persons who are not pensioners.

55.—(1) Any capital payable by instalments which are outstanding at the date on which the application is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with Chapter 7 of this Part exceeds £16,000, be treated as income.

- (2) Any payment received under an annuity is to be treated as income.
- (3) Any earnings to the extent that they are not a payment of income is to be treated as income.
- (4) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 is to be treated as income.
- (5) Where an agreement or court order provides that payments must be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital by virtue of this Part), is to be treated as income.

Notional income: persons who are not pensioners.

- 56.—(1) An applicant who is not a pensioner is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under a council tax reduction scheme or increasing the amount of the reduction.
- (2) Except in the case of—
 - (a) a discretionary trust;
 - (b) a trust derived from a payment made in consequence of a personal injury;
 - (c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
 - (d) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a);
 - (e) any sum to which paragraph 51(a) of Schedule 10 refers;
 - (f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;
 - (g) child tax credit;
 - (h) working tax credit, or
 - (i) any sum to which sub-paragraph (11) applies,
 - (j) any income which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.
 - (3) Any payment of income, other than a payment of income specified in sub-paragraph (4), made—
 - (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
 - (4) Sub-paragraph (3) does not apply in respect of a payment of income made—
 - (a) under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006);
 - (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
 - (c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996(144);
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;

- (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - (d) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
 - (e) in respect of a person's participation in the Mandatory Work Activity Scheme;
 - (f) in respect of an applicant's participation in the Employment, Skills, and Enterprise Scheme;
 - (g) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- (5) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects, to the date on which the altered rate is to take effect.
- (6) Subject to sub-paragraph (7), where—
- (a) an applicant performs a service for another person; and
 - (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,
- the authority must treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.
- (7) Sub-paragraph (6) does not apply—
- (a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
 - (b) in a case where the service is performed in connection with—
 - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations 1996, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations; or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or
 - (c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.
- (8) In sub-paragraph (7)(c) "work placement" means practical work experience which is not undertaken in expectation of payment.
- (9) Where an applicant is treated as possessing any income under any of sub-paragraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.
- (10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph 42(2) or 52(3) (calculation of net earnings of employed earners: pensioners and persons who are not pensioners, respectively) do not apply and his net earnings are to be calculated by taking into account those earnings which he is treated as possessing, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

(11) Sub-paragraphs (1), (2), (3) and (6) do not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant participating as a service user.

CHAPTER 6 Income: further provisions applying to pensioners and persons who are not pensioners.

Calculation of income on a weekly basis

57.-(1) Subject to paragraph 60 (disregard of changes in tax, etc.), the income of an applicant is to be calculated on a weekly basis—

- (a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;
- (b) by adding to that amount, the weekly income calculated—
- (c) if the applicant is a pensioner, under paragraph 71 (tariff income: pensioners);
 - a. (ii) if the applicant is a person who is not a pensioner, under paragraph 72 (tariff income: persons who are not pensioners); and
- (d) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 58 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that sub-paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.

(2) The conditions of this paragraph are that—

- (a) the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in sub-paragraph (3) otherwise applies in his case; and
- (b) that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.

(3) The maximum deduction to which sub-paragraph (1)(c) above refers is to be—

- (a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;
- (b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

Treatment of child care charges

58.-(1) This paragraph applies where an applicant (within the meaning in this paragraph) is incurring relevant child care charges and—

- (a) is a lone parent and is engaged in remunerative work;
- (b) is a member of a couple both of whom are engaged in remunerative work; or
- (c) is a member of a couple where one member is engaged in remunerative work and the other—
 - (i) is incapacitated;
 - (ii) is an in-patient in hospital; or
 - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).

(2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph

(3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—

- (a) is paid statutory sick pay;
- (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
- (c) is paid an employment and support allowance;
- (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987; or
- (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

This sub-paragraph applies to a person who was engaged in remunerative work immediately before—

- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
- (b) the first day of the period in respect of which earnings are credited, as the case may be.

(4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.

(5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply and are to be calculated on a weekly basis in accordance with sub-paragraph (10).

(6) The charges are paid by the applicant for care which is provided—

- (a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
- (b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.

(7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid—

- (a) in respect of the child's compulsory education;
- (b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with paragraph 7 (circumstances in which a person is treated as responsible or not responsible for another); or
- (c) in respect of care provided by a relative of the child wholly or mainly in the child's home.

(8) The care to which sub-paragraph (7) refers may be provided—

- (a) (out of school hours, by a school on school premises or by a local authority—
 - (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
- (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999; or
- (c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
- (d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010; or
- (e) by—
 - (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or
 - (ii) local authorities registered under section 83(1) of that Act, where the care provided is child minding or day care of children within the meaning of that Act; or

- (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or
 - (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
 - (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
 - (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
 - (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of “childcare” for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
 - (k) by a foster parent or kinship carer under the Fostering Services Regulations 2011, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
 - (l) by a provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and being a regulated activity prescribed by those Regulations or by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; or
 - (m) by a person who is not a relative of the child wholly or mainly in the child’s home.
- (9) In sub-paragraphs (6) and (8)(a), “the first Monday in September” means the Monday which first occurs in the month of September in any year.
- (10) Relevant child care charges must be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- (11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—
- (a) the applicant is a pensioner and the other member of the couple is aged not less than 80;
 - (b) the applicant is a pensioner and the other member of the couple is aged less than 80, and—
 - (i) the additional condition specified in paragraph 10 of Schedule 3 (additional condition for the disability premium) to this scheme is treated as applying in his case; and
 - (ii) he satisfies that conditions or would satisfy it but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (c) the applicant is not a pensioner, the applicant’s applicable amount includes a disability premium on account of the other member’s incapacity or the support component or the work-related activity component on account of his having limited capability for work;
 - (d) the applicant is not a pensioner, the applicant’s applicable amount would include a disability premium on account of the other member’s incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (e) the applicant’s applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
 - (f) he is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose, any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
 - (g) he is, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
 - (h) there is payable in respect of him one or more of the following pensions or allowances—

- (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;
- (ii) attendance allowance under section 64 of the SSCBA;
- (iii) severe disablement allowance under section 68 of the SSCBA;
- (iv) disability living allowance under section 71 of the SSCBA;
- (v) personal independence payment;
- (vi) an AFIP;
- (vii) increase of disablement pension under section 104 of the SSCBA;
- (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;
- (ix) main phase employment and support allowance;
- (x) adult disability payment

- (i) a pension or allowance to which sub-paragraph (vii) or (viii) of paragraph (h) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
 - (j) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
 - (k) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - (l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
 - (m) paragraph (h), (i), (j) or (k) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
 - (n) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.
- (12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(f) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph is, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter to apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.
- (13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(g) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter to apply to him for so long as he has, or is treated as having, limited capability for work.
- (14) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—
- (a) to whom an attendance allowance or the care component of disability allowance is payable or would be payable but for—
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
 - (b) to whom the daily living component of personal independence payment is payable or would be payable but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - (ba) in respect of whom adult disability payment is payable or has ceased to be payable solely by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations

- (c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- (d) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

(15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (16) ("the relevant period") provided that—

- (a) in the week before the period of maternity leave, paternity leave or adoption leave began he was in remunerative work;
- (b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and
- (c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

(16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person's maternity, paternity leave or adoption leave commences and ends on—

- (a) the date that leave ends;
- (b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- (c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends, whichever occurs first.

(17) In sub-paragraphs (15) and (16)—

- (a) "qualifying support" means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987; and
- (b) "child care element" of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

(18) In this paragraph "applicant" does not include an applicant—

- (a) who has, or
- (b) who (jointly with his partner) has,
- (c) an award of universal credit.

Calculation of average weekly income from tax credits

59.—(1) This paragraph applies where an applicant receives a tax credit.

(2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).

(3) Where the instalment in respect of which payment of a tax credit is made is—

- (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
- (c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- (d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

(4) For the purposes of this paragraph "tax credit" means child tax credit or working tax credit.

Disregard of changes in tax, contributions etc.

60. In calculating the applicant's income the authority may disregard any legislative change—
- (a) in the basic or other rates of income tax;
 - (b) in the amount of any personal tax relief;
 - (c) in the rates of social security contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that Act (small profits threshold in relation to Class 2 contributions);
 - (d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the SSCBA;
 - (e) in the maximum rate of child tax credit or working tax credit, for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

Calculation of net profit of self-employed earners

- 61.—(1) For the purposes of paragraphs 48 (average weekly earnings of self-employed earners: persons who are not pensioners) and 57 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account must be—
- (a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
 - (b) in the case of a self-employed earner who is a pensioner whose employment is carried on in partnership, his share of the net profit derived from that employment, less—
 - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions of self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;
 - (c) in the case of a self-employed earner who is not a pensioner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (2) There must be disregarded from the net profit of an applicant who is not a pensioner, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).
- (3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less—
- (a) subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - (b) an amount in respect of—
 - (i) income tax; and
 - (ii) social security contributions payable under the SSCBA, calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
 - (c) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (4) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- (5) Subject to sub-paragraph (6), no deduction is to be made under sub-paragraph (3)(a) or (4), in respect of—

- (a) any capital expenditure;
 - (b) the depreciation of any capital asset;
 - (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
 - (d) any loss incurred before the beginning of the assessment period;
 - (e) the repayment of capital on any loan taken out for the purposes of the employment;
 - (f) any expenses incurred in providing business entertainment; and
 - (g) in the case of an applicant who is not a pensioner, any debts, except bad debts proved to be such, but this paragraph does not apply to any expenses incurred in the recovery of a debt.
- (6) A deduction is to be made under sub-paragraph (3)(a) or (4) in respect of the repayment of capital on any loan used for—
- (a) the replacement in the course of business of equipment or machinery; or
 - (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- (7) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (3)(a) or (4) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- (8) For the avoidance of doubt—
- (a) a deduction must not be made under sub-paragraph (3)(a) or (4) in respect of any sum unless it has been expended for the purposes of the business;
 - (b) a deduction must be made thereunder in respect of—
 - (i) the excess of any value added tax paid over value added tax received in the assessment period;
 - (ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - (iii) any payment of interest on a loan taken out for the purposes of the employment.
- (9) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that employment, less—
- (a) an amount in respect of—
 - (i) income tax; and
 - (ii) social security contributions payable under the SSCBA,
 - (iii) calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
 - (b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (10) For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments must not be offset against his earnings in any other of his employments.
- (11) The amount in respect of any qualifying premium is to be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying premium must be determined—
- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;
 - (b) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.
- (12) In this paragraph, “qualifying premium” means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of application.

Calculation of deduction of tax and contributions of self-employed earners

- 62.—(1) The amount to be deducted in respect of income tax under paragraph 61(1)(b)(i), (3)(b)(i) or (9)(a)(i) (calculation of net profit of self-employed earners) must be calculated—
- (a) on the basis of the amount of chargeable income, and

- (b) as if that income were assessable to income tax at the basic rate or in the case of a Scottish taxpayer the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances.
- (2) But, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.
- (3) The amount to be deducted in respect of social security contributions under paragraph 60(1)(b)(i), (3)(b)(ii) or (9)(a)(ii) is the total of—
- (a) the amount of Class 2 contributions payable under section 11(2) or, as the case may be, 11(8) of the SSCBA at the rate applicable to the assessment period except where the applicant’s chargeable income is less than the amount specified in section 11(4) of that Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year must be reduced pro rata; and
 - (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits must be reduced pro rata.
- (4) In this paragraph “chargeable income” means—
- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 61;
 - (b) in the case of employment as a child minder, one-third of the earnings of that employment.

CHAPTER 7 Capital Calculation of capital

- 63.—(1) The capital of an applicant to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and (in the case of persons who are not pensioners) any income treated as capital under paragraph 64 (income treated as capital: persons who are not pensioners).
- (2) There must be disregarded from the calculation of an applicant’s capital under sub-paragraph (1), any capital, where applicable, specified in—
- (a) Schedule 9, in relation to pensioners;
 - (b) Schedule 10, in relation to persons who are not pensioners.
- (3) In the case of an applicant who is a pensioner, his capital is to be treated as including any payment made to him by way of arrears of—
- (i) child tax credit;
 - (ii) working tax credit;
 - (iii) state pension credit,
- if the payment was made in respect of a period for the whole or part of which a reduction under this scheme was allowed before those arrears were paid.
- (4) The capital of a child or young person who is a member of the family of an applicant who is not a pensioner must not be treated as capital of the applicant.

Income treated as capital: persons who are not pensioners.

- 64.—(1) This paragraph applies in relation to persons who are not pensioners.
- (2) Any bounty derived from employment to which paragraph 9 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) applies and paid at intervals of at least one year is to be treated as capital.
- (3) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E is to be treated as capital.

- (4) Any holiday pay which is not earnings under paragraph 41(1)(d) or 51(1)(d) (earnings of employed earners) is to be treated as capital.
- (5) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 50 or 51 of Schedule 10 (capital disregards: persons who are not pensioners), any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant's account.
- (6) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer is to be treated as capital.
- (7) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.
- (8) There is to be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.
- (9) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.
- (10) Any arrears of working tax credit or child tax credit must be treated as capital.

Calculation of capital in the United Kingdom

65. Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—
 - (a) where there would be expenses attributable to the sale, 10 per cent; and
 - (b) the amount of any encumbrance secured on it.

Calculation of capital outside the United Kingdom

66. Capital which an applicant possesses in a country outside the United Kingdom must be calculated—
 - (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;
 - (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer, less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

Notional capital

- 67.—(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with paragraph 68 (diminishing notional capital rule).
- (2) A person who is a pensioner who disposes of capital for the purpose of—
 - (a) reducing or paying a debt owed by the applicant; or
 - (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case,
 is to be regarded as not depriving himself of it.
- (3) Sub-paragraphs (4) to (6) apply in relation to applicants who are not pensioners.
- (4) Except in the case of—
 - (a) a discretionary trust; or

- (b) a trust derived from a payment made in consequence of a personal injury; or
 - (c) any loan which would be obtained only if secured against capital disregarded under Schedule 9; or
 - (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
 - (e) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a); or
 - (f) any sum to which paragraph 51(a) of Schedule 10 refers; or
 - (g) child tax credit; or
 - (h) working tax credit,
- any capital which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

- (5) Any payment of capital, other than a payment of capital specified in sub-paragraph (6), made—
- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of the family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- (6) Sub-paragraph (5) does not apply in respect of a payment of capital made—
- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;
 - (b) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - (c) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
 - (d) in respect of a person's participation in the Mandatory Work Activity Scheme;
 - (e) in respect of an applicant's participation in the Employment, Skills, and Enterprise Scheme;
 - (f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- (7) Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case—

- (a) the value of his holding in that company must, notwithstanding paragraph 63 (calculation of capital) be disregarded; and
 - (b) he must, subject to sub-paragraph (8), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.
- (8) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (7) is to be disregarded.
- (9) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

Diminishing notional capital rule: pensioners

- 68.—(1) Where an applicant who is a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing—
- (a) in the case of a week that is subsequent to—
 - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions, is to be reduced by an amount determined under sub-paragraph (3);
 - (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).
- (2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that—
- (a) he is in receipt of a reduction under this scheme; and
 - (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.
- (3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) must be equal to the aggregate of—
- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
 - (b) where the applicant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002 (notional capital);
 - (c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (notional capital);
 - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
 - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is a pensioner and would have been entitled to a reduction in council tax under this scheme in the relevant week but for paragraph 67(1).
- (5) In such a case the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of—
- (a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 67(1);

- (b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
 - (c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
 - (d) if the applicant would, but for regulation 113 of the Jobseeker’s Allowance Regulations 1996, have been entitled to an income-based jobseeker’s allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
 - (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) (“the relevant amount”) is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—
- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
 - (b) multiplying the result of that calculation by 7.
- (7) The amount determined under sub-paragraph (5) is to be re-determined under that sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—
- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words “relevant week” there were substituted the words “relevant subsequent week”; and
 - (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.
- (8) The conditions are that—
- (a) a further application is made 26 or more weeks after—
 - (i) the date on which the applicant made an application in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
 - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (11), the date on which he last made an application which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to a reduction under this scheme, whichever last occurred; and
 - (b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).
- (9) The amount as re-determined pursuant to sub-paragraph (7) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.
- (10) For the purposes of this paragraph—
- “part-week”—
- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;
 - (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
 - (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
 - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker’s allowance is payable; and
 - (ii) any other period of less than a week for which it is payable;

“relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)–

- (a) was first taken into account for the purpose of determining his entitlement to a reduction; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction;

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Diminishing notional capital rule: persons who are not pensioners.

69.–(1) Where an applicant who is not a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing–

- (a) in the case of a week that is subsequent to–
 - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions,
is to be reduced by an amount determined under sub-paragraph (3);
- (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where–
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied,
is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that–

- (a) he is in receipt of a reduction in council tax under this scheme; and
- (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of–

- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
- (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
- (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);
- (d) where the applicant has also claimed a jobseeker’s allowance, the amount of an income-based jobseeker’s allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker’s Allowance Regulations 1996 (notional capital); and
- (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is not a pensioner and would have been entitled to a reduction in council tax in the relevant week but for paragraph 67(1).

- (5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of—
- (a) the amount of council tax benefit to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
 - (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
 - a. (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - b. (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
 - (c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
 - (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
 - (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—
- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
 - (b) multiplying the result of that calculation by 7.
- (7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—
- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and
 - (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.
- (8) The conditions are that—
- (a) a further application is made 26 or more weeks after—
 - (i) the date on which the applicant made an application for a reduction under this scheme in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
 - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (7), the date on which he last made an application under this scheme which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to a reduction under this scheme, whichever last occurred; and
 - (b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).
- (9) The amount as re-determined pursuant to sub-paragraph (6) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.
- (10) For the purposes of this paragraph—
- "part-week"—
- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction under this scheme is allowed;
 - (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;

- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
- (a) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
 - (b) any other period of less than a week for which it is payable;
- “relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)—
- (a) was first taken into account for the purpose of determining his entitlement to a reduction; or
 - (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction,
- and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;
- “relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Capital jointly held.

70. Except where an applicant possesses capital which is disregarded under paragraph 67(7) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

Calculation of tariff income from capital: pensioners

71. The capital of an applicant who is a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income of—
- (a) £1 for each £500 in excess of £10,000 but not exceeding £16,000; and
 - (b) £1 for any excess which is not a complete £500.

Calculation of tariff income from capital: persons who are not pensioners.

72. The capital of an applicant who is not a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income⁽¹⁶⁹⁾ of—
- (a) £1 for each £250 in excess of £6,000 but not exceeding £16,000;
 - (b) £1 for any excess which is not a complete £250.

PART 11 Students

CHAPTER 1 General Interpretation

- 73.—(1) In this Part—

“academic year” means the period of twelve months beginning on 1st January 1st April 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer, or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course is to be considered to begin in the autumn rather than the summer;

“access funds” means—

- (a) grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;

- (d) discretionary payments, known as “learner support funds”, which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- (e) Financial Contingency Funds made available by the Welsh Ministers;

“college of further education” means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

“contribution” means—

- (a) any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or
- (b) any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority considers that it is reasonable for the following persons to contribute towards the holder’s expenses—
 - (i) the holder of the allowance or bursary;
 - (ii) the holder’s parents;
 - (iii) the holder’s parent’s spouse, civil partner or a person ordinarily living with the holder’s parent as if he or she were the spouse or civil partner of that parent; or
 - (iv) the holder’s spouse or civil partner;

“course of study” means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

“covenant income” means the gross income payable to a full-time student under a Deed of Covenant by his parent;

“education authority” means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

“full-time course of study” means a full-time course of study which—

- (a) is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- (b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
 - (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student’s learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
 - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
 - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

“full-time student” means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance, or bursary but does not include a payment from access funds or any payment to which paragraph 16 of Schedule 8 or paragraph 55 of Schedule 10 (allowances and payments for courses of study) applies;

“grant income” means—

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

“higher education” means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992;

“last day of the course” means—

- (a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- (b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

“period of study” means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, that year’s start and ending with either—
 - (i) the day before the start of the next year of the course in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
 - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- (c) in the final year of a course of study of more than one year, the period beginning with that year’s start and ending with the last day of the course;

“periods of experience” means periods of work experience which form part of a sandwich course;

“qualifying course” means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker’s Allowance Regulations 1996;

“sandwich course” has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

“standard maintenance grant” means—

- (a) except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (“the 2003 Regulations”) for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent’s home, the amount specified in paragraph 3 thereof;
- (c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as “standard maintenance allowance” for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

“student” means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

“student loan” means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and includes, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 2007.

(2) For the purposes of the definition of “full-time student” in sub-paragraph (1), a person must be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course—

- (a) subject to sub-paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending—
 - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

(3) For the purposes of paragraph (a) of sub-paragraph (2), the period referred to in that paragraph includes—

- (a) where a person has failed examinations or has failed successfully to complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

(4) In sub-paragraph (2), “modular course” means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

Treatment of students

74. This scheme has effect in relation to students who are not pensioners subject to the following provisions of this Part.

Students who are excluded from entitlement to a reduction under this scheme.

75.—(1) The students who are excluded from entitlement to a reduction under this scheme are, subject to sub-paragraphs (2) and (7)—

- (a) full-time students, and
- (b) students who are persons treated as not being in Great Britain.

(2) Sub-paragraph (1)(b) does not apply to a student—

- (a) who is a person on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this paragraph, include the disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and

for this purpose, any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;

- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
 - (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
 - (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989 or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
 - (i) who is—
 - a. (i) aged under 21 and whose course of study is not a course of higher education,
 - b. (ii) aged 21 and attained that age during a course of study which is not a course of higher education, or
 - c. (iii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
 - (j) in respect of whom—
 - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
 - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
 - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986, on account of his disability by reason of deafness.
- (3) Sub-paragraph (2)(i)(ii) only applies to an applicant until the end of the course during which the applicant attained the age of 21.
- (4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph must, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.
- (5) In sub-paragraph (2)(i) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- (6) A full-time student to whom sub-paragraph (2)(i) applies must be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary, or payment as the case may be.
- (7) Sub-paragraph (1)(b) does not apply to a full-time student for the period specified in sub-paragraph (8) if—
 - (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—
 - (i) engaged in caring for another person; or
 - (ii) ill;
 - (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
 - (c) he is not eligible for a grant or a student loan in respect of the period specified in sub-paragraph (8).

- (8) The period specified for the purposes of sub-paragraph (7) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before—
- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- whichever first occurs.

CHAPTER 2 Income

Calculation of grant income

76.—(1) The amount of a student's grant income to be taken into account in assessing his income must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.

- (2) There must be excluded from a student's grant income any payment—
- (a) intended to meet tuition fees or examination fees;
 - (b) in respect of the student's disability;
 - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
 - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependent;
 - (i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.
- (3) Where a student does not have a student loan and is not treated as possessing such a loan, there must be excluded from the student's grant income—
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- (4) There must also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- (5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—
- (a) subject to sub-paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
 - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- (6) Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- (7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither sub-paragraph (6) nor paragraph 80(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

- (8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

Calculation of covenant income where a contribution is assessed.

- 77.—(1) Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following must be the whole amount of the covenant income less, subject to sub-paragraph (3), the amount of the contribution.
- (2) The weekly amount of the student's covenant must be determined—
- (a) by dividing the amount of income which falls to be taken into account under sub-paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and
 - (b) by disregarding £5 from the resulting amount.
- (3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 76(2)(g) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

Covenant income where no grant income or no contribution is assessed.

- 78.—(1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows—
- (a) any sums intended for any expenditure specified in paragraph 76(2)(a) to (e) necessary as a result of his attendance on the course must be disregarded;
 - (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;
 - (c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 76(2)(f) and (3) had the student been in receipt of the standard maintenance grant; and
 - (d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.
- (2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income must be calculated in accordance with paragraphs (a) to (d) of sub-paragraph (1), except that—
- (a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 76(2)(a) to (e); and
 - (b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 76(2)(f) and (g) and (3).

Relationship with amounts to be disregarded under Schedule 8

79. No part of a student's covenant income or grant income is to be disregarded under paragraph 19 of Schedule 8 (disregard of certain charitable and voluntary, etc., payments).

Other amounts to be disregarded.

- 80.—(1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 81 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 76(2) (calculation of grant income), necessary as a result of his attendance on the course must be disregarded.
- (2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 76(2) or (3), 77(3), 78(1)(a) or (c) or 81(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

Treatment of student loans

- 81.—(1) A student loan is to be treated as income.
- (2) In calculating the weekly amount of the loan to be taken into account as income—
- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period is to be apportioned equally between the weeks in the period beginning with—
 - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
 - (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year is to be apportioned equally between the weeks in the period—
 - (i) beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year, and
 - (ii) ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year, but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the authority, the longest of any vacation is taken and for the purposes of this paragraph, "quarter" has the same meaning as for the purposes of the Education (Student Support) Regulations 2005;
 - (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year is to be apportioned equally between the weeks in the period beginning with—
 - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincides with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
 - (d) in any other case, the loan is to be apportioned equally between the weeks in the period beginning with the earlier of—
 - (i) the first day of the first reduction week in September; or
 - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June, and, in all cases, from the weekly amount so apportioned £10 is to be disregarded.
- (3) A student is to be treated as possessing a student loan in respect of an academic year where—
- (a) a student loan has been made to him in respect of that year; or
 - (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.
- (4) Where a student is treated as possessing a student loan under sub-paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)—
- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to—
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
 - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.
- (5) There must be deducted from the amount of income taken into account under sub-paragraph (4)—
- (a) the sum of £303 per academic year in respect of travel costs; and

(b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

- (6) A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

Treatment of payments from access funds

82.—(1) This paragraph applies to payments from access funds that are not payments to which paragraph 85(2) or (3) (income treated as capital) applies.

- (2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must be disregarded as income.

(3) Subject to sub-paragraph (4) of this paragraph and paragraph 40 of Schedule 8 (disregards in the calculation of income other than earnings: persons who are not pensioners)—

(a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family, and

(b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, must be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made—

(a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or

(b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment must be disregarded as income.

Disregard of contribution

83. Where the applicant or his partner is a student and, for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution must be disregarded for the purposes of assessing that other partner's income.

Further disregard of student's income

84. Where any part of a student's income has already been taken into account for the purposes of assessing his entitlement to a grant or student loan, the amount taken into account must be disregarded in assessing that student's income.

Income treated as capital.

85.—(1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.

- (2) An amount paid from access funds as a single lump sum must be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, must be disregarded as capital but only for a period of 52 weeks from the date of the payment.

Disregard of changes occurring during summer vacation

86. In calculating a student's income the authority must disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

PART 12 Extended reductions
CHAPTER 1 Extended reductions: pensioners

Extended reductions: pensioners

87. Paragraphs 88 to 93 apply in relation to applicants who are pensioners.

Extended reductions (qualifying contributory benefits): pensioners

88.—(1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes A to C is entitled to an extended reduction (qualifying contributory benefits) where—

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes A to C where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): pensioners

89.—(1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax if that occurs first.

Amount of extended reduction (qualifying contributory benefits): pensioners

90.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) the applicant is entitled to is the greater of—

- (a) the amount of council tax reduction to which the applicant was entitled by virtue of falling within any of classes A to C in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled under by virtue of falling within any of classes A to C for any reduction week during the extended

- reduction period, if paragraph 88 (extended reductions (qualifying contributory benefits): pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C if paragraph 88 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, the authority must not award a reduction in pursuance of that application during the extended reduction period.

Extended reductions (qualifying contributory benefits)—movers: pensioners

91.—(1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefits) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of classes A to C

92.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 88(1)(b), that reduction does not cease to have effect until the end of the extended reduction period.

(2) Part 13 (when entitlement begins and change of circumstances) does not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 90(1)(a) or paragraph 91(2) (amount of extended reduction – movers: pensioners).

Continuing reductions where state pension credit claimed: pensioners.

93.—(1) This paragraph applies where—

- (a) the applicant is entitled to a reduction under this scheme;
- (b) sub-paragraph (2) is satisfied; and
- (c) either—
 - (i) the applicant has attained the qualifying age for state pension credit or, if his entitlement to income-based jobseeker's allowance or income-related employment and support allowance continued beyond that age, has attained the age of 65; or
 - (ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—

- (a) the applicant's award of—
 - (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
 - (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit or the age of 65; and

- (b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.
- (3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to a reduction under this scheme for the period of 4 weeks beginning on the day following the day the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to a reduction under this scheme.
- (4) Where a reduction under this scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3) above, and the last day of that period falls on a day other than the last day of a reduction week, then a reduction under this scheme must continue to be awarded until the end of the reduction week in which the last day of that period falls.
- (5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—
 - (a) the whole of the income and capital of the applicant is to be disregarded;
 - (b) the maximum council tax reduction amount of the applicant is to be that which was applicable in his case immediately before that period commenced.
- (6) The maximum reduction is to be calculated in accordance with paragraph 29(1) if, since the date it was last calculated—
 - (a) the applicant's council tax liability has increased; or
 - (b) a change in the deduction under paragraph 30 falls to be made.

CHAPTER 2 Extended reductions: persons who are not pensioners.

Extended reductions: persons who are not pensioners.

94. Paragraphs 95 to 104 apply in relation to applicants who are not pensioners.

Extended reductions: persons who are not pensioners.

- 95.—(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to F is entitled to an extended reduction where—
- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
 - (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more; and
 - (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance, or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.
- (2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.
- (3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they must be treated as being entitled to and in receipt of jobseeker's allowance.
- (4) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to F where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

(5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987(remunerative work: housing costs) applied to that applicant.

Duration of extended reduction period: persons who are not pensioners.

96.—(1) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

- (a) at the end of a period of eight weeks; or
- (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax if that occurs first.

Amount of extended reduction: persons who are not pensioners.

97.—(1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the higher of—

- (a) the amount of the reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to F in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to F for any reduction week during the extended reduction period, if paragraph 95 (extended reductions: persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to F if paragraph 95 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

Extended reductions—movers: persons who are not pensioners.

98.—(1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover would have been entitled had they, or their partner, not ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction and entitlement to a reduction by virtue of classes D to F

- 99.—(1) Where an applicant's entitlement to a reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 95(1)(b), that entitlement does not cease until the end of the extended reduction period.
- (2) Paragraphs 106 and 107 do not apply to any extended reduction payable in accordance with paragraph 95(1)(a) or 98(2) (amount of extended reduction—movers: persons who are not pensioners).

Extended reductions (qualifying contributory benefits): persons who are not pensioners.

- 100.—(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to F is entitled to an extended reduction (qualifying contributory benefits) where—
- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
 - (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;
 - (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
 - (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.
- (2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to F where—
- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
 - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
 - (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners.

- 101.—(1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends—
- (a) at the end of a period of four weeks; or
 - (b) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax if that occurs first.

Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners.

- 102.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of—

- (a) the amount of reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to F in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to F for any reduction week during the extended reduction period, if paragraph 100 (extended reductions (qualifying contributory benefits): persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to F if paragraph 100 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction may be allowed by the appropriate authority during the extended reduction period.

Extended reductions (qualifying contributory benefits)—movers: persons who are not pensioners.

103.—(1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of classes D to F

104.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 100(1)(b), that reduction does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 (dates on which entitlement begins and change of circumstances take effect) do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 102(1)(a) or 103(2) (amount of extended reduction—movers: persons who are not pensioners).

CHAPTER 3 Extended reductions: movers in the authority's area

Extended reductions: applicant moving into the authority's area.

105. Where—

- (a) an application is made to the authority ("the current authority") for a reduction under this scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of an extended reduction from—
 - (i) another billing authority in England; or
 - (ii) a billing authority in Wales,
 the current authority must reduce any reduction to which the applicant is entitled under this scheme by the amount of that extended reduction.

PART 13 When entitlement begins and change of circumstances.

Date on which entitlement begins.

- 106.—(1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction is so entitled from the reduction week following the date on which that application is made or is treated as made.
- (2) Where a person is otherwise entitled to a reduction under this scheme and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his application is made or is treated as made, he is so entitled from that reduction week.

Date on which change of circumstances is to take effect.

- 107.—(1) Except in cases where paragraph 60 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph and (in the case of applicants who are pensioners) paragraph 108 (change of circumstance where state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, a reduction under this scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs.
- (2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.
- (3) Subject to sub-paragraph (4), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.
- (4) Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under section 11 or 11A of that Act (discounts), it takes effect from the day on which the change in amount has effect.
- (5) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.
- (6) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.
- (7) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or where more than one day is concerned, from the earlier day.
- (8) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances takes effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- (9) Without prejudice to sub-paragraph (8), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- (10) Sub-paragraph (11) applies if—
- (a) the applicant or his partner has attained the age of 65; and
 - (b) either—
 - (i) a non-dependent took up residence in the applicant's dwelling; or

(ii) there has been a change of circumstances in respect of a non-dependent so that the amount of the deduction which falls to be made under paragraph 30 increased.

(11) Where this sub-paragraph applies, the change of circumstances referred to in sub-paragraph (10)(b) takes effect from the effective date.

(12) In sub-paragraph (11), but subject to sub-paragraph (13), “the effective date” means—

(a) where more than one change of a kind referred to in sub-paragraph (10)(b) relating to the same non-dependent has occurred since—

(i) the date on which the applicant’s entitlement to a reduction under this scheme first began; or

(ii) the date which was the last effective date in respect of such a change, whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

(b) where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.

(13) If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is to be the first day of the next reduction week to commence after the date determined under that sub-paragraph.

Change of circumstances where state pension credit in payment

108.—(1) Sub-paragraphs (2) and (3) apply where—

(a) the applicant is in receipt of state pension credit;

(b) the amount of state pension credit awarded to him is changed in consequence of a change in the applicant’s circumstances or the correction of an official error; and

(c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of a reduction he receives under this scheme.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in—

(a) an increase in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the increased rate; or

(b) a decrease in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—

(i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or

(ii) state pension credit is increased, whichever is the later.

(3) Where the change of circumstance (“the relevant change”) is that the applicant’s state pension credit has been reduced and in consequence the reduction the applicant receives under this scheme reduces—

(a) in a case where the applicant’s state pension credit has been reduced because the applicant failed to notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect from the first day of the reduction week from which state pension credit was reduced; or

(b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which—

(i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or

(ii) state pension credit is reduced, whichever is the later.

(4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of a reduction he receives under this scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.

(5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of reduction he

receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—

- (a) the authority receives notification from the Secretary of State of the award of state pension credit; or
 - (b) entitlement to state pension credit begins, whichever is the later.
- (6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—
- (a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and
 - (b) a change of circumstances which is a relevant determination, each of which results in a change in the amount of reduction the applicant receives under this scheme, the change of circumstances referred to in sub-paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).
- (7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or his partner and this would result in an increase in the amount of a reduction the applicant receives under this scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.
- (8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 93 (continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.
- (9) In this paragraph—
- “official error” means an error made by—
- (a) the authority or a person—
 - (i) authorised to carry out any function of the authority relating to this scheme; or
 - (ii) providing services relating to this scheme directly or indirectly to the authority; or
 - (b) an officer of—
 - (i) the Department for Work and Pensions; or
 - (ii) the Commissioners of Inland Revenue, acting as such,

but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;

“relevant calculation or estimate” means the calculation or estimate made by the Secretary of State of the applicant’s or, as the case may be, the applicant’s partner’s income and capital for the purposes of the award of state pension credit;

“relevant determination” means a change in the determination by the authority of the applicant’s income and capital using the relevant calculation or estimate, in accordance with paragraph 36(1).

PART 14 Applications (including duties to notify authority of change of circumstances)

Making an application

109.—(1) In the case of—

- (a) a couple or (subject to paragraph (b)) members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines; or
 - (b) in the case of members of a polygamous marriage to whom paragraph 37 (income and capital: award of universal credit) applies, an application is to be made by whichever one of the parties to the earliest marriage that still subsists they agree should so apply or, in default of agreement, by such one of them as the authority determines.
- (2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and—

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
 - (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005 or otherwise,
- that deputy, judicial factor, guardian, or attorney, as the case may be, may make an application on behalf of that person.

- (3) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under this scheme and to receive and deal on his behalf with any sums payable to him.
- (4) Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).
- (5) Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4)—
- (a) it may at any time revoke the appointment;
 - (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
 - (c) any such appointment must terminate when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- (6) Anything required by this scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- (7) The authority must—
- (a) inform any person making an application of the duty imposed by paragraph 115(1)(a);
 - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

Date on which an application is made.

- 110.—(1) Subject to sub-paragraph (7), the date on which an application is made is—
- (a) in a case where—
 - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
 - (ii) the application is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,
 the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;
 - (b) in a case where—
 - (i) an applicant or his partner is a person in receipt of a guarantee credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
 - (iii) the application to the authority is received at the designated office within one month of the date of the change,
 the date on which the change takes place;
 - (c) in a case where—

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
- (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,
- the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;
- (d) in a case where—
- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application to the authority is received at the designated office within one month of the date of the change,
- the date on which the change takes place;
- (e) in a case where—
- (i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under this scheme, and
- (ii) where the applicant makes an application for a reduction under this scheme within one month of the date of the death or the separation,
- the date of the death or separation;
- (f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
- (g) In any other case, the date on which the application is received at the designated office.
- (2) For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—
- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
- (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),
- have been entitled to that allowance.
- (3) Where the defect referred to in paragraph 7 of Schedule 1 to this scheme (application by telephone)—
- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
- (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.
- (4) The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.
- (5) The conditions are that—
- (a) where paragraph 4(a) of Schedule 1 (incomplete form) applies, the authority receives at its designated office the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
- (b) where paragraph 4(b) of Schedule 1 (application not on approved form or further information requested by authority) applies—
- (i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,

- (ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request, or, in either case, within such longer period as the authority may consider reasonable; or
- (c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

- (6) Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.
- (7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances, he will be entitled to a reduction under this scheme for a period beginning not later than—
- (a) in the case of an application made by—
- (i) a pensioner, or
- (ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit, the seventeenth reduction week following the date on which the application is made, or
- (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made, the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.
- (8) In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims for income support, a jobseeker’s allowance or an employment and support allowance.

Applications where an applicant’s Universal Credit ceases an award of Council Tax Reduction

- (9) Where a council tax reduction claim has stopped due to the level of the applicant’s Universal Credit and associated income, that claim will remain valid from the date that Council Tax Reduction has stopped for a period of six calendar months.

Joint claims for Housing Benefit and Council Tax Reduction.

- (10) Where an applicant is entitled to Housing Benefit and notifies the authority of a wish to claim Council Tax Reduction, the authority will assess Council Tax Reduction without the need for a separate claim form
- (11) The effective date of the applicant shall be the date the request is made to the authority (in any format).

Backdating of applications: pensioners

- 111.—(1) Subject to sub-paragraph (2), the time for the making of an application under this scheme by a pensioner is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such a reduction, that day and the period of three months immediately following it.
- (2) In any case where paragraph 110(1)(a) applies, sub-paragraph (1) does not entitle a person to apply for a reduction under this scheme in respect of any day earlier than three months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987).

Backdating of applications: persons who are not pensioners.

- 112.—(1) Where an applicant who is a person who is not a pensioner—
- (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and
 - (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period), the application is to be treated as made on the date determined in accordance with sub-paragraph (2).
- (2) That date is the latest of—
- (a) the first day from which the applicant had continuous good cause;
 - (b) the day 1 month before the date the application was made;
 - (c) the day 1 month before the date when the applicant requested that the application should include a past period.

Information and evidence

- 113.—(1) Subject to sub-paragraph (3), a person who makes an application for a reduction under this scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.
- (2) This sub-paragraph is satisfied in relation to a person if—
- (a) the application is accompanied by—
 - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
 - (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by—
 - (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.
- (3) Sub-paragraph (2) does not apply—
- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
 - (b) to a person who—
 - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.
- (4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under this scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under this scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.
- (5) Nothing in this paragraph requires a person to furnish any certificates, documents, information, or evidence relating to a payment to which sub-paragraph (7) applies.
- (6) Where a request is made under sub-paragraph (4), the authority must—
- (i) inform the applicant or the person to whom a reduction under this scheme has been awarded of his duty under paragraph 115 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
 - (ii) without prejudice to the extent of the duty owed under paragraph 115, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.
- (7) This sub-paragraph applies to any of the following payments—
- (a) a payment which is—

- (i) disregarded under paragraph 28 of Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners) or paragraph 38 of Schedule 10 (capital disregards: persons who are not pensioners); or
 - (ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Caxton Foundation” insert “, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Grenfell Tower charitable funds, the Grenfell Tower Residents’ Discretionary Fund, the Windrush Compensation Scheme or the London Bombings Relief Charitable Fund;
 - (aa) a Grenfell Tower support payment
 - (b) a payment which is disregarded under paragraph 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);
 - (c) a payment which is disregarded under paragraph 30(9)(b) or (c) (payment made under certain trusts etc.) or paragraph 2(b) or (c) of Schedule 4 (payments made under certain trusts etc.) other than a payment under the Independent Living Fund (2006).
- (8) Where an applicant or a person to whom a reduction under this scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information—
- (a) the name and address of the pension fund holder;
 - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

Amendment and withdrawal of application

- 114.—(1) A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.
- (2) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the amendment may also be made by telephone.
 - (3) Any application amended in accordance with sub-paragraph (1) or (2) is to be treated as if it had been amended in the first instance.
 - (4) A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.
 - (5) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the withdrawal may also be made by telephone.
 - (6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
 - (7) Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

Duty to notify changes of circumstances.

- 115.—(1) Subject to sub-paragraphs (3), (6) and (7), the applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time—
- (a) between the making of an application and a decision being made on it, or
 - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under this scheme) including at any time while the applicant is in receipt of such a reduction.
- (2) The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under this scheme (a “relevant change of circumstances”) by giving notice to the authority—
- (a) in writing; or
 - (b) by telephone—

- (i) where the authority has published a telephone number for that purpose or for the purposes of Part 1 of Schedule 1 unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
 - (c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- (3) The duty imposed on a person by sub-paragraph (1) does not extend to notifying—
- (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under this scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- (4) For the purposes of sub-paragraph (3)(c) “relevant benefit” means income support, an income-based jobseeker’s allowance or an income-related employment and support allowance or universal credit.
- (5) Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- (6) The duty imposed on a person by sub-paragraph (1) includes—
- (a) in the case of a person falling within class C (pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs;
 - (b) in the case of a person falling within class F (persons who are not pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, the date when this occurs.
- (7) A person who has been awarded a reduction under this scheme who is also on state pension credit must report—
- (a) changes affecting the residence or income of any non-dependent normally residing with the applicant or with whom the applicant normally resides;
 - (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks or where the absence is from Great Britain, which exceeds or is likely to exceed 4 weeks.
- (8) In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only the savings credit must also report—
- (a) changes affecting a child living with him which may result in a change in the amount of reduction under this scheme allowed in his case, but not changes in the age of the child;
 - (b) any change in the amount of the applicant’s capital to be taken into account which does or may take the amount of his capital to more than £16,000;
 - (c) any change in the income or capital of—
 - (i) a non-dependent whose income and capital are treated as belonging to the applicant in accordance with paragraph 34 (circumstances in which income of a non-dependent is to be treated as applicant’s); or
 - (ii) a person to whom paragraph 36(2)(e) (partner treated as member of the household under paragraph 8) refers, and whether such a person or, as the case may be, non-dependent stops living or begins or resumes living with the applicant.
- (9) A person who is entitled to a reduction under this scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

PART 15 Decisions by authority

Decision by authority

116. The authority must make a decision on an application for a reduction under this scheme within 14 days of paragraphs 110 and 113 and Part 1 of Schedule 1 being satisfied, or as soon as reasonably practicable thereafter.

Notification of decision

117.—(1) The authority must notify in writing any person affected by a decision made by it under this scheme—

- in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
- in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

(2) Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement—

- informing the person affected of the duty imposed by paragraph 115(1)(b);
- explaining the possible consequences (including prosecution) of failing to comply with that duty; and
- setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

(3) Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

(4) In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in this scheme relating to the procedure for making an appeal.

(5) A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

(6) The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

(7) For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

(8) This sub-paragraph applies to—

- the applicant;
- in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act—
 - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005 or otherwise,
- a person appointed by the authority under paragraph 109(3).

PART 16 Circumstances in which a payment may be made.

Payment where there is joint and several liability.

118.—(1) Where—

- (a) a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of a financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and

(c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers would be inappropriate, it may make a payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

(2) Subject to sub-paragraph (3), any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

(3) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 109(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 109(5), the amount of the reduction may be paid to that person.

PART 17

Award or payment of reduction.

Time and manner of granting reduction under this scheme.

119.—(1) Subject to paragraph 122 (payments on death), where a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of the financial year, the authority must discharge his entitlement—

(a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or

(b) where—

(i) such a reduction is not possible; or

(ii) such a reduction would be insufficient to discharge the entitlement to a reduction under this scheme; or

(iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

(2) The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of sub-paragraph (1).

(3) In a case to which sub-paragraph (1)(b) refers—

(a) if the amount of the council tax for which he remains liable in respect of the financial year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under this scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction—

(i) must be paid to that person if he so requires; or

(ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;

(b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under this scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter

(c) in any other case, the reduction under this scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

(4) For the purposes of this paragraph “instalment” means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

Person to whom reduction is to be paid.

120.—(1) Subject to paragraph 122 (payment on death) and sub-paragraph (2), any payment of the amount of a reduction under paragraph 116(1)(b) must be made to the person who is entitled to the reduction.

- (2) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 107(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 107(5), the amount of the reduction may be paid to that person.

Shortfall in reduction

121. Where, on the revision of a decision allowing a reduction under this scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either—
- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the financial year until that shortfall is made good; or
 - (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonably practicable, as soon as possible afterwards.

Payment on the death of the person entitled.

122. Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

- (2) Where an Act of Parliament or subordinate legislation repeals and re-enacts, with or without modification, a previous enactment (including a previous regulation) then, unless the contrary intention appears.

Transitional provisions for restrictions on amounts for children and young persons (pensioners)

- 123 (1) This regulation applies where—
- (a) on 31st March 2018, a person is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Local Government Finance Act 1992 ("a section 13A(2) scheme"); and
 - (b) the person is, or the person and the person's partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a protected individual").
- (2) Where this regulation applies, the amendments made by regulation 7 do not apply to the person entitled to a council tax reduction referred to in paragraph (1) until—
- (a) the person makes a new application for a reduction under an authority's section 13A(2) scheme; or
 - (b) the person or the person's partner (if any) becomes responsible for a new individual, whichever is the first to occur.
- (3) Paragraphs (4) to (8) apply where—
- (a) the amendments made by regulation 7 apply by virtue of paragraph (2)(b);
 - (b) the child tax credit provisions do not apply; and
 - (c) the person has not made a new application for a reduction under an authority's scheme for a reduction under an authority's section 13A(2) scheme.
- (4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person's partner (if any) is responsible for the individual and the individual is a member of the same household.
- (5) Paragraph (6) applies where—
- (a) the person or the person's partner (if any) is responsible for one or more protected individuals who are members of the same household; and
 - (b) either of them is responsible for one or more new individuals who are members of the same household.

- (6) Where this paragraph applies, any protected individual for whom the person or the person's partner is responsible is to be counted for the purpose of deciding whether, under the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).
- (7) Paragraph (8) applies where—
- (a) the number of protected individuals for whom either the person or the person's partner (if any) is responsible, and who are members of the same household, is one;
 - (b) the number of new individuals for whom either the person or the person's partner is responsible, and who are members of the same household, is two or more; and
 - (c) a different child amount would apply to different individuals.
- (8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be—
- (a) the child amount in relation to the protected individual; and
 - (b) a child amount in relation to such one of the new individuals as will result in the greatest possible total amount.
- (9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person's partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under the default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).
- (10) For the purposes of this regulation—
- (a) "the 2012 Regulations" means the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
 - (b) "applicable amount", "child", "partner" and "young person" have the same meanings as in the 2012 Regulations;
 - (c) "child amount" means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;
 - (d) "child tax credit provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
 - (e) "default provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
 - (f) "new individual" means a child or young person who is not a protected individual;
 - (g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to a reduction under an authority's section 13A(2) scheme and the person's partner (if any);
 - (h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7 of the 2012 Regulations

SCHEDULE 1 Procedural matters

Paragraph 11

PART 1 Procedure for an application for a reduction under this scheme

Procedure by which a person may apply for a reduction under this scheme;

1. Paragraphs 2 to 7 apply to an application for a reduction under this scheme.
2. An application may be made—
 - (a) in writing,
 - (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- 3.—(1) An application which is made in writing must be made to the designated office on a properly completed form.

(2) The form must be provided free of charge by the authority for the purpose.
4. - (1) Where an application made in writing is defective because—
 - (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
 - (b) it was made in writing but not on the form supplied for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence, the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.
(2) An application made on a form provided by the authority is properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
- 5.—(1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.
6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.
- 7.—(1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

PART 2 Procedure for making an appeal.

Procedure by which a person may make an appeal against certain decisions of the authority.

8. A person who is aggrieved by a decision of the authority which affects—
 - (a) the person's entitlement to a reduction under this scheme, or
 - (b) the amount of any reduction under this scheme,may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
9. The authority must—
 - (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing—
 - (i) that the ground is not well founded, giving reasons for that belief; or

(ii) that steps have been taken to deal with the grievance, stating the steps taken.

10. Where, following notification under paragraph 9(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with paragraph 9(b) within two months of the service of his notice, he may appeal to a valuation tribunal under section 16 of the 1992 Act.

PART 3 Procedure for applying for a discretionary reduction.

Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act

- 11.—(1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made—
- (a) in writing;
 - (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
 - (c) where the authority has published a telephone number for the purposes of receiving such applications, by telephone.
- (2) Where—
- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
 - (b) a person in that class would otherwise be entitled to a reduction under this scheme,
- that person's application for a reduction under this scheme may also be treated as an application for a reduction under section 13A(1)(c).

PART 4 Electronic communication

Interpretation

12. In this Part—
“information” includes an application, certificate, notice or other evidence;
“official computer system” means a computer system maintained by or on behalf of the authority for the sending, receiving, processing, or storing of any information.
Conditions for the use of electronic communication
- 13.—(1) The authority may use an electronic communication in connection with applications for, and awards of, reductions under this scheme.
- (2) A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.
- (3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- (4) The second condition is that the person uses an approved method of—
- (a) authenticating the identity of the sender of the communication;
 - (b) electronic communication;
 - (c) authenticating any application or notice delivered by means of an electronic communication; and
 - (d) subject to sub-paragraph (7), submitting to the authority any information.
- (5) The third condition is that any information sent by means of an electronic communication is in a form supplied for the purposes of this Part of this Schedule.
- (6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- (7) Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

(8) In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this Part of this Schedule.

Use of intermediaries

14. The authority may use intermediaries in connection with—
- (a) the delivery of any information by means of an electronic communication; and
 - (b) the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with those matters.

Effect of delivering information by means of electronic communication.

- 15.—(1) Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of this scheme, on the day the conditions imposed—
- (a) by this Part; and
 - (b) by or under an enactment,
- are satisfied.
- (2) The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).
- (3) Information must not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of identity of sender or recipient of information

16. If it is necessary to prove, for the purpose of any legal proceedings, the identity of—
- (a) the sender of any information delivered by means of an electronic communication to an official computer system; or
 - (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,
- the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

Proof of delivery of information

- 17.—(1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this must be presumed to have been the case where—
- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
 - (b) any such information has been delivered by the relevant authority if the delivery of that information has been recorded on an official computer system.
- (2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this must be presumed not to be the case if that information delivered to the relevant authority has not been recorded on an official computer system.
- (3) If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt must be presumed to be that recorded on an official computer system.

Proof of content of information

18. If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content must be presumed to be that recorded on an official computer system.

SCHEDULE 2 Applicable amounts:

PART 1 Persons who are pensioners Paragraph 25

The amount specified in column (2) below in respect of each person or couple specified in column (1) is the amount specified for the purposes of paragraph 25(1)(a) is;

(a) on or after 1st April 2021, the amount specified in column (2) of Table 1 below in respect of each person or couple referred to in column (1) of that Table.

(1A) For the purposes of sub-paragraph (1)(b) as it applies apart from sub-paragraph (1C), where the family includes more than two individuals who are either children or young persons and under paragraph 2 of that Schedule a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.

(1B) Sub-paragraph (1C) applies where—

(a) (whether or not as part of a tax credit couple as defined in section 3(5A) of the Tax Credits Act 2002) the applicant has an award of child tax credit (whether or not any amount is payable by way of such credit) in respect of a child or young person who is a member of his family; and
(b) the total amount to be included in the applicable amount under sub-paragraph (1)(b) as substituted by sub-paragraph (1C) would be higher than the total amount that would be included under paragraph (1)(b) apart from sub-paragraph (1C).

(1C) Where this paragraph applies, for sub-paragraph (1)(b) substitute—

(b) an amount determined in accordance with paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;

Transitional provisions for restrictions on amounts for children and young persons

(1) This regulation applies where—

(a) on 31st March 2018, a person is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Local Government Finance Act 1992 ("a section 13A(2) scheme"); and

(b) the person is, or the person and the person's partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a "protected individual").

(2) Where this regulation applies, the amendments made by regulation 7 do not apply to the person entitled to a council tax reduction referred to in paragraph (1) until—

(a) the person makes a new application for a reduction under an authority's section 13A(2) scheme; or

(b) the person or the person's partner (if any) becomes responsible for a new individual, whichever is the first to occur.

(3) Paragraphs (4) to (8) apply where—

(a) the amendments made by regulation 7 apply by virtue of paragraph (2)(b);

(b) the child tax credit provisions do not apply; and

(c) the person has not made a new application for a reduction under an authority's scheme for a reduction under an authority's section 13A(2) scheme.

(4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person's partner (if any) is responsible for the individual and the individual is a member of the same household.

(5) Paragraph (6) applies where—

(a) the person or the person's partner (if any) is responsible for one or more protected individuals who are members of the same household; and

(b) either of them is responsible for one or more new individuals who are members of the same household.

(6) Where this paragraph applies, any protected individual for whom the person or the person's partner is responsible is to be counted for the purpose of deciding whether, under the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).

(7) Paragraph (8) applies where—

- (a) the number of protected individuals for whom either the person or the person's partner (if any) is responsible, and who are members of the same household, is one;
- (b) the number of new individuals for whom either the person or the person's partner is responsible, and who are members of the same household, is two or more; and
- (c) a different child amount would apply to different individuals.

(8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be—

- (a) the child amount in relation to the protected individual; and
- (b) a child amount in relation to such one of the new individuals as will result in the greatest possible total amount.

(9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person's partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under the default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).

(10) For the purposes of this regulation—

- (a) "the 2012 Regulations" means the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- (b) "applicable amount", "child", "partner" and "young person" have the same meanings as in the 2012 Regulations;
- (c) "child amount" means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;
- (d) "child tax credit provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
- (e) "default provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
- (f) "new individual" means a child or young person who is not a protected individual;
- (g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to a reduction under an authority's section 13A(2) scheme and the person's partner (if any);
- (h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7 of the 2012 Regulations.

Table 1

<i>Column (1) Person, couple, or polygamous marriage</i>	<i>Column (2) Amount</i>
(1) Single applicant or lone parent who has attained pensionable age before 1 st April 2021	£235.20
(2) Couple one or both members before 1 st April 2021	£352.00
(3) If the applicant is a member of a polygamous marriage and one or more members of the marriage have attained pensionable age before 1 st April 2021 (a) for the applicant and the other party to the marriage; (b) for each additional spouse who is a member of the same household as the applicant.	(a) 352.00 (b) £116.80
(4) Single applicant or lone parent who has attained pensionable age on or after 1st April 2021	£218.15

(5) Couple where both members have attained pensionable age on or after 1st April 2021	£332.95
(6) If the applicant is a member of a polygamous marriage and all members of the marriage have attained pensionable age on or after 1st April 2021—	
(a) for the applicant and the other party to the marriage;	£332.95
(b) for each additional spouse who is a member of the same household as the applicant	£114.80

2. Child or young person amounts

- (1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the relevant period specified in column (1), specified for the purposes of paragraph 25(1)(b).

Column (1)	Column (2)
Child or young Person	Amount
Person in respect of the period— (a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday; (b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	(a) £83.24; (b) £83.24.

- (2) In column (1) of the table “the first Monday in September” means the Monday which first occurs in the month of September in any year.

PART 2 Family premium

3. Family premium

The amount for the purposes of paragraph 6(1)(c) of Schedule 1 in respect of a family of which at least one member is a child or young person—

- (a) is £19.15 in respect of a reduction week which begins in the period beginning with 1st April 2015 and ending with 30th April 2016;
 (b) is nil in respect of a reduction week which begins after 1st May 2016.

Transitional provision

(1) The amendment in regulation Part 2-3 (Family Premium) of this policy (or 2(4)(b) for the purposes of SI2041/2015) does not apply to a person who, on 30th April 2016, is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A (2) of the Act and is—

- (a) a member of a family of which at least one member is a child or young person; or
 (b) a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.

(2) Paragraph (1) does not apply if—

- (a) sub-paragraph (a) or (b) of that paragraph ceases to apply; or
 (b) the person makes a new application for a reduction under an authority's scheme under section 13A (2) of the Act.

(3) For the purposes of this regulation—

- (a) “the Act” means the Local Government Finance Act 1992;
 (b) “child”, “family”, “partner”, “polygamous marriage” and “young person” have the meanings given by regulation 2 of the Council Tax Reduction Schemes (Prescribed

PART 3 - Premiums

4. The premiums specified in Part 4 shall, for the purposes of paragraph 24(1)(d), be applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.

5.—(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of—

- (a) attendance allowance;
- (b) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
- (c) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;
- (d) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
- (e) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
- (f) an AFIP.

Severe disability premium

6.—(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant shall be treated as being a severely disabled person if, and only if—

- a. in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—
 - (i) he is in receipt of—
 - (aa) attendance allowance;
 - (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
 - (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
 - (dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
 - (ee) an AFIP; and
 - (ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
 - (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 in respect of caring for him;
- b. in the case of an applicant who has a partner—
 - (i) the applicant is in receipt of—
 - (aa) attendance allowance;
 - (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
 - (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;

(dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
(ee) an AFIP;
(ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and
(iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit that includes the carer element in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance or has such an award of universal credit in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner shall be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (3), a person is blind if he is registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(6) (6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account shall be taken of—
(a) a person receiving—
(i) attendance allowance;
(ii) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
(iii) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
(iv) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
(v) an AFIP; or
(b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b) a person shall be treated—
(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
(b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made there under;
(c) as being entitled to and in receipt of a carer's allowance or having an award of universal credit which includes the carer element if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt or have such an award of universal credit.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b)—
(a) no account shall be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and
(b) references to a person being in receipt of a carer's allowance or as having an award of universal credit which includes the carer element shall include reference to a person who

would have been in receipt of that allowance or had such an award of universal credit but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit).

Enhanced disability premium

7(1) The condition is that—

- (a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act;
- (aa) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations;
- (ab) the daily living component of adult disability payment is payable, or has ceased to be payable by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations, at the enhanced rate in accordance with regulation 5 of those Regulations or
- (b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act,

in respect of a child or young person who is a member of the applicant's family.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

Disabled child premium

8. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance, personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family;
- (aa) is in receipt of child disability payment; or
- (b) is blind within the meaning of paragraph 6(4) or treated as blind in accordance with paragraph 6(5); or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death; or
- (d) is a young person who is in receipt of adult disability payment or who would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations be so in receipt, provided that the young person continues to be a member of the family; or
- (e) is a young person who is in receipt of an AFIP.

Carer premium

9.—(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance.

(2) Where a carer premium has been awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance, this paragraph shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) in a case within sub-paragraph (2)(a), the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);

(b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purposes of this paragraph, a person shall be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

Persons in receipt of concessionary payments

10. For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9 of this Schedule, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Person in receipt of benefit

11. For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

PART 4 - Amounts of premium specified in Part 3

<i>Provision</i>	<i>Amount</i>
(1) Severe Disability Premium—	(a) £81.50;
(a) where the applicant satisfies the condition in paragraph 6(2)(a);	(b)
(b) where the applicant satisfies the condition in paragraph 6(2)(b)—	(i) £81.50;
(a) in a case where there is someone in receipt of a carer's allowance or who has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013, or if he or any partner satisfies that condition only by virtue of paragraph 6(7);	(ii) £163.00.
(b) in a case where there is no-one in receipt of such an allowance or such an award of universal credit.	
(2) Enhanced disability premium	(2) £32.20 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium.	(3) £80.01 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £45.60 in respect of each person who satisfies the condition specified in paragraph 9.

Applicable amounts: persons who are not pensioners Paragraph 26

PART 1 Personal allowances

Personal allowances

1. The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes of paragraphs 25(1)(a) and 26(1)(a) and (b)–

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance	£90.50
b) is aged not less than 25	£90.50
c) is aged not less than 18 but less than 25	£71.70
2. Lone Parent	£90.50
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£142.25
b) Where one member is aged not less than 18	£142.25
c) For each additional spouse who is a member of the same household as the claimant	£51.75

2. For the purposes of paragraph 1 of this Schedule an applicant is entitled to main phase employment and support allowance if–
 (a) paragraph 18 of this Schedule is satisfied in relation to the applicant; or
 (b) the applicant is entitled to a converted employment and support allowance.

- 3.–(1) The amounts specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of paragraphs 25(1)(b) and 26(1)(c) of this scheme:

Column (1)	Column (2)
Child or Young person	Amount
Person in respect of the period– (a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday; (b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	£83.24 £83.24

- (2) In column (1) of the table in sub-paragraph (1), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

PART 2 - Family premium

4. Family premium

The amount for the purposes of paragraph 6(1)(c) of Schedule 1 in respect of a family of which at least one member is a child or young person is £19.15.

PART 3 - Premiums

5. Except as provided in paragraph 6 of this Schedule, the premiums specified in Part 4 of this Schedule shall, for the purposes of paragraphs 25(1)(d) and 26(1)(e) of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 9 to 14 of this Schedule in respect of that premium.

6. Subject to paragraph 7 of this Schedule, where an applicant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.

7. The following premiums, namely—

- (a) a severe disability premium to which paragraph 11 of this Schedule applies;
- (b) an enhanced disability premium to which paragraph 12 of this Schedule applies;
- (c) a disabled child premium to which paragraph 13 of this Schedule applies; and
- (d) a carer premium to which paragraph 14 of this Schedule applies, may be applicable in addition to any other premium which may apply under this Schedule.

8.—(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973 or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 14 of this Schedule, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable under Part 4 of the Welfare Reform Act 2012.

Disability premium

9. The condition is that—

- (a) where the applicant is a single applicant or a lone parent, he has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10 of this Schedule is satisfied; or
- (b) where the applicant has a partner, either—
 - (i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) or (b) is satisfied by him; or
 - (ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) is satisfied by his partner.

Additional condition for the disability premium

10.—(1) Subject to sub-paragraph (2) and paragraph 8 of this Schedule, the additional condition referred to in paragraph 9 of this Schedule is that either—

- (a) the applicant or, as the case may be, his partner—
 - (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or
 - (ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement

pension under that Act and the applicant has since remained continuously entitled to council tax benefit and, if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or

(iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 57(11)(i) (treatment of child care charges); or

(iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 57(11)(i) (treatment of child care charges); or

(v) is provided by the Secretary of State with an invalid carriage or other vehicle under section 5(2) of the National Health Service Act 1977 (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 (provision of services by Scottish Ministers) or receives payments by way of grant from the Secretary of State under paragraph 2 of Schedule 2 to the Act of 1977 (additional provisions as to vehicles) or, in Scotland, by Scottish Ministers under section 46 of the Act of 1978; or

(vi) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(b) the applicant—

(i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and

(ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—

(aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;

(bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(vi), a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he shall, on again becoming so incapable of work, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue

of his satisfying the additional condition specified in that provision, he shall continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods shall be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)—

- (a) the reference to a period of 8 weeks in sub-paragraph (3); and
 - (b) the reference to a period of 56 days in sub-paragraph (5),
- shall in each case be treated as a reference to a period of 104 weeks.

(8) The applicant is not entitled to the disability premium if he has, or is treated as having, limited capability for work.

Severe disability premium

11.—(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant shall be treated as being a severely disabled person if, and only if—

(a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—

(i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012; and

(ii) subject to sub-paragraph (4), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and

(iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 in respect of caring for him ;

(b) in the case of an applicant who has a partner—

(i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012; and

(ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance; and

(iii) subject to sub-paragraph (4), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit which includes the carer element in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance or has such an award of universal credit in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2), that partner shall be treated for the purposes of sub-paragraph (2)(b)(ii) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account shall be taken of—

(a) a person receiving attendance allowance, or disability living allowance by virtue of the care component at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA; or

(b) a person who is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2).

(5) For the purposes of sub-paragraph (2)(b) a person shall be treated—

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being entitled to and in receipt of a carer's allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account shall be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid.

(7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance or an award of universal credit which include the carer element shall include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit provisions)

Enhanced disability premium

12.—(1) Subject to sub-paragraph (2), the condition is that—

(a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity; or

(b) the care component of disability living allowance is, or would be payable at the highest rate prescribed under section 72(3) of the SSCBA, but for a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation be payable at the highest rate prescribed under section 72(3) of the SSCBA in respect of—

(i) the applicant; or

(ii) a member of the applicant's family, who has not attained the qualifying age for state pension credit; or

(c) the daily living component of personal independence payment is, or would be payable at either rate under Part 4 of the Welfare Reform Act 2012, but for a suspension of benefit in accordance with section 86 of the Welfare Reform Act 2012 in respect of—

(i) the applicant; or

(ii) a member of the applicant's family, who has not attained the qualifying age for state pension credit.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

(3) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—

(a) an applicant who—

(i) is not a member of a couple or a polygamous marriage; and

(ii) is a patient within the meaning of paragraph 57(11)(e) of this scheme (treatment of child care charges) and has been for a period of more than 52 weeks; or

(b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of paragraph 57(11)(e) and has been for a period of more than 52 weeks.

Disabled child premium

13. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

(a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or

(b) is blind or treated as blind within the meaning of paragraph 10 of this Schedule; or

(c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

Carer premium

14.—(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the SSCBA.

(2) Where a carer premium is awarded but—

(a) the person in respect of whose care the carer's allowance has been awarded dies; or

(b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled to a carer's allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) shall be—

(a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;

(b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.

(4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes an application for a reduction, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—

(a) the person in respect of whose care the carer's allowance has been awarded dies;

(b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

Persons in receipt of concessionary payments

15. For the purpose of determining whether a premium is applicable to a person under paragraphs 10 to 14 of this Schedule, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

16. For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

PART 4

Amounts of Premiums Specified in Part 3

Premium	Amount
Disability Premium	£42.50
a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£60.60
Severe Disability Premium	£81.50
a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006	£81.50
i. in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	
ii. in a case where there is no one in receipt of such an allowance	£163.00
Disabled Child Premium	£80.01 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006

Premium	Amount
Carer Premium	£45.60 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Enhanced Disability Premium	(a) £32.20 in respect of each child or young person in respect of whom the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied; (b) £20.85 in respect of each person who is neither- (i) a child or young person; nor (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 15 are satisfied; (c) £29.75 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.

PART 5 - The components

18. Subject to paragraph 20 of this Schedule the applicant is entitled to one, but not both, of the components in paragraph 21 or 22 of this Schedule if—

- (a) the applicant or the applicant’s partner has made a claim for employment and support allowance;
- (b) the Secretary of State has decided that the applicant or the applicant’s partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
- (c) either—
 - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
 - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

19. Subject to paragraph 20, the applicant is entitled to one, but not both, of the components in paragraphs 21 and 22 if the applicant or his partner is entitled to a converted employment and support allowance.

20.—(1) The applicant has no entitlement under paragraph 21 or 22 if the applicant is entitled to the disability premium under paragraphs 9 and 10 of this Schedule.

(2) Where the applicant and the applicant’s partner each satisfies paragraph 21 or 22, the component to be included in the applicant’s applicable amount is that which relates to the applicant.

The work-related activity component

21. The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work.

The support component

22. The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

PART 6 - Amount of Components

23. The amount of the work-related activity component is £35.95.

24. The amount of the support component is. £47.70

PART 7 - Transitional Addition

25.—(1) The applicant is entitled to the transitional addition calculated in accordance with paragraph 28 where the applicant or the applicant's partner ("the relevant person")—

- (a) is entitled to a converted employment and support allowance; or
- (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008 and—
 - (i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008; and
 - (ii) is not in receipt of an income-related employment and support allowance, unless the amount of the transitional addition calculated in accordance with paragraph 28 of this Schedule would be nil.

(2) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29 of this Schedule;
- (b) the termination of the applicant's award of reduction under this scheme;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance, or income support;
- (e) 5th April 2020.

26.—(1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the termination of the applicant's award of reduction, under—
 - (i) paragraph 25(2)(b) of this Schedule;
 - (ii) sub-paragraph (3)(b) of this paragraph; or
 - (iii) paragraph 27(3)(b) of this Schedule;
- (b) within 104 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to a reduction under this scheme;
- (c) in the reduction week in which the applicant again becomes entitled to a reduction under this scheme the relevant person is entitled to an employment and support allowance which is not income-related;
- (d) if the period between the events mentioned in paragraphs (a) and (b) is more than 12 weeks, the intervening period is one to which regulation 145(2) (linking period where applicant is a work or training beneficiary) of the Employment and Support Allowance Regulations 2008 applies in respect of the relevant person; and
- (e) at the date on which the applicant again becomes entitled to a reduction under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance, or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on which the applicant again becomes entitled to a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29 of this Schedule;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance, or income support;
- (e) 5th April 2020.

27.—(1) This paragraph applies where—

(a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—

- (i) paragraph 25(2)(c);
- (ii) paragraph 26(3)(c); or
- (iii) sub-paragraph (3)(c);

(b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;

(c) either—

- (i) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulations 2008 applies to the relevant person; or
- (ii) the period between the events mentioned in paragraphs (a) and (b) is one to which regulation 145(2) of the Employment and Support Allowance Regulations 2008 applies in respect of the relevant person; and

(d) at the date on which the relevant person again becomes entitled to an employment support

allowance which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance, or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29 of this Schedule), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29 of this Schedule;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance, or income support;
- (e) 5th April 2020.

PART 8 - Amount of Transitional Addition

28.—(1) Subject to paragraph 29 of this Schedule, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.

(2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (“the 2010 Regulations”) is made in respect of the relevant person—

- (a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and
- (b) Amount B is the basic amount that applied on that day as a result of that decision.

(3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the 2010 Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the 2010 Regulations—

- (a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and
- (b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.

(4) In this paragraph and paragraph 29, “basic amount” means the aggregate of such amounts as may apply in the applicant’s case in accordance with paragraph 25(1)(a) to (e) or paragraph 26(1)(a) to (f) of this scheme.

29.—(1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant’s basic amount, the transitional addition that applies immediately before the change of circumstances shall be reduced by the amount by which Amount C exceeds Amount D.

(2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition shall be reduced to nil.

(3) Amount C is the basic amount that applies as a result of the increase.

(4) Amount D is the basic amount that applied immediately before the increase.

SCHEDULE 3 Amount of alternative maximum council tax reduction: pensioners and persons who are not pensioners.

Paragraph 31

1.—(1) Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of paragraph 30 is determined in accordance with the following Table and in this Table—

- (a) “second adult” means any person or persons residing with the applicant to whom paragraph 15(2) of this scheme applies; and
- (b) “persons to whom paragraph 71(1) of this scheme applies” includes any person to whom that paragraph would apply were they, and their partner if they had one, below the qualifying age for state pension credit.

(2) In this Schedule “council tax due in respect of that day” means the council tax payable under section 10 of the 1992 Act less—

- (a) any reductions made in consequence of any enactment in, or under, the 1992 Act (other than a reduction under this scheme); and
- (b) in a case to which sub-paragraph (c) in column (1) of the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

(1) <i>Second adult</i>	(2) <i>Alternative maximum council tax support</i>
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker’s allowance, or are under the age of 25 and in receipt of Universal Credit where the award is calculated on the basis that the second adult does not have any earned income (as given in regulation 52 of the Universal Credit Regulations 2013)	(a) 25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker’s allowance—	(b)
(i) is less than £265.00 per week;	(i) 15 per cent of the council tax due in respect of that day;
(ii) is not less than £265.00 per week but less than £344.00 per week;	(ii) 7.5 per cent of the council tax due in respect of that day;
(c) where the dwelling would be wholly occupied by one or more persons to whom paragraph 71(1) of this scheme applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker’s allowance.	(c) 100 per cent of the council tax due in respect of that day.

2. In determining a second adult’s gross income for the purposes of this Schedule, there shall be disregarded from that income—

- (a) any attendance allowance, any disability living allowance under section 71 of the SSCBA, or any personal independence payment under Part 4 of the Welfare Reform Act 2012;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 53 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under paragraph 53, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

3. Where there are two or more second adults residing with the applicant for a reduction under this scheme and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 to the 1992 Act, his income shall be disregarded in determining the amount of any alternative maximum council tax reduction, unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

SCHEDULE 4 Sums disregarded from applicant's earnings: pensioners.

Paragraph 40

1. Where two or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to—
 - (a) £25 in the case of a lone parent;
 - (b) £20 in any other case.
2. In a case where an applicant is a lone parent, £25 of earnings.
- 3.—(1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.

(2) This paragraph applies to employment—
 - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005 as an auxiliary coastguard in respect of coast rescue activities;
 - (d) in the manning or launching of a lifeboat if the employment is part-time;
 - (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.
- (3) If—
 - (a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and
 - (b) either of them has, or both of them have, other earnings, so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.
- 4.—(1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.

(3) In this paragraph the applicant or his partner is a carer if paragraph 14 of Part 3 of Schedule 3 (amount applicable for carers) is satisfied in respect of him.
- 5.—(1) £20 is disregarded if the applicant or, if he has a partner, his partner—
 - (a) is in receipt of—
 - (i) long-term incapacity benefit under section 30A of the SSCBA;
 - (ii) severe disablement allowance under section 68 of that Act;
 - (iii) attendance allowance under sections 64 to 76 of that Act;
 - (iv) disability living allowance under section 71 to 76 of that Act;
 - (v) personal independence payment under Part 4 of the Welfare Reform Act 2012;
 - (vi) any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983;
 - (vii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
 - (viii) main phase employment and support allowance; or
 - (b) is or are registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been incapable, or has been treated as incapable, of work for a continuous period of not less than—

(i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the Act, 196 days;

(ii) in any other case, 364 days; or

(d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 1997 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either—

(i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 or regulation 7 of the Employment and Support Regulations 2013; (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arising does not apply) applies.

(2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the applicant or his partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or been in receipt of a reduction under this scheme and—

(a) £20 was disregarded in respect of earnings taken into account in that award; and

(b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's—

(a) entitlement to housing benefit; or

(b) receipt of a reduction under a council tax reduction scheme; or

(c) employment, following the first day in respect of which that benefit is awarded under this scheme.

(4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and his partner satisfy the requirements of this paragraph.

6.—(1) Where—

(a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;

(b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and

(c) paragraph 34 does not apply,
the amount specified in sub-paragraph (7) (“the specified amount”).

(2) Where this paragraph applies, paragraphs 1 to 5 and 8 do not apply; but in any case, where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 26 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple (“A”) it shall not apply to the other member of that couple (“B”) except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

(a) in receipt of a contributory employment and support allowance;

(b) in receipt of incapacity benefit;

(c) in receipt of severe disablement allowance;

(d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) “Exempt work” means work of the kind described in—
(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008 or regulation 39 (1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013; or (as the case may be); or
(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,
and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

7. Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 6 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full amount disregarded there under.

8. Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—

- (a) £5 shall be disregarded if an applicant who has no partner has earnings;
- (b) £10 shall be disregarded if an applicant who has a partner has earnings.

9. Any earnings, other than earnings referred to in paragraph 39(8)(b), derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under this scheme.

10.—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under this Schedule shall be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

- (a) the applicant, or if he has a partner, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
- (b) the applicant—
 - (i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
 - (ii) if he is a member of a couple—
 - (aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and
 - (bb) his family includes at least one child or young person;
 - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
 - (iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person.

(3) The following are the amounts referred to in sub-paragraph (1)—

- (a) any amount disregarded under this Schedule;
- (b) the amount of child care charges calculated as deductible under paragraph 56(1)(c); and
- (c) £17.10.

(4) The provisions of paragraph 10 of this scheme shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph was a reference to 30 hours.

11. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.

SCHEDULE 5 Amounts to be disregarded in the calculation of income other than earnings: pensioners.

Paragraph 40

1.(1) 100% of any of the following—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 2 or 3);
- (b) a war widow's pension or war widower's pension;
- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
- (g) a pension paid by a government to victims of National Socialist persecution.

(2) The amounts to be disregarded under paragraph 1 include any amount included in a pension to which this paragraph relates in respect of the applicant's need for constant attendance or the applicant's exceptionally severe disablement

2. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.

3. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

4. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

5 Not used.

6.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and
- (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph “the Dispensing Instruments” means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

7. £15 of any widowed parent's allowance to which the applicant is entitled under section 39A of the SSCBA.

8. £15 of any widowed mother's allowance to which the applicant is entitled under section 37 of the SSCBA.

9. Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent. of such payments; or
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent. of the excess over £20.

10. If the applicant—

- (a) owns the freehold or leasehold interest in any property or is a tenant of any property; and
- (b) occupies a part of that property; and
- (c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—
 - (i) the amount paid by that person is less than £20 per week, the whole of that amount;
 - or
 - (ii) the amount paid is £20 or more per week, £20.

11. Where an applicant receives income under an annuity purchased with a loan, which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65 or if it was higher at the time, pensionable age;
- (c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;
- (d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and
- (e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants, the amount, calculated on a weekly basis, equal to—
 - (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
 - (ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

12.—(1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the applicant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the applicant by Trustees in exercise of a discretion exercisable by them for the purpose of—

- (a) obtaining food, ordinary clothing or footwear or household fuel;
- (b) the payment of rent, council tax or water charges for which that applicant or his partner is liable;
- (c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations 2002.

(3) In a case to which sub-paragraph (2) applies, £20 or—

- (a) if the payment is less than £20, the whole payment;
- (b) if, in the applicant's case, £10 is disregarded in accordance with paragraph 1(a) to (g), £10 or the whole payment if it is less than £10; or
- (c) if, in the applicant's case, £15 is disregarded under paragraph 7 or paragraph 8 and—
 - (i) he has no disregard under paragraph 1(a) to (g), £5 or the whole payment if it is less than £5;
 - (ii) he has a disregard under paragraph 1(a) to (g), nil.

(4) For the purposes of this paragraph, “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

13. Any increase in pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependent other than the pensioner's partner.

14. Any payment ordered by a court to be made to the applicant or the applicant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.

15. Periodic payments made to the applicant or the applicant's partner under an agreement entered into in settlement of a claim made by the applicant or, as the case may be, the applicant's partner for an injury suffered by him.

16. Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

17. Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.

18. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

(a) under, or pursuant to regulations made under powers conferred by, section 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student's award;

(b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or

(c) the student's student loan, an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

19.—(1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

(a) is not in receipt of any award, grant, or student loan in respect of that education; or

(b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made there under, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980, and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 18, an amount specified in subparagraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount shall be equal to—

(a) the weekly amount of the payments; or

(b)) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance, or payment referred to in subparagraph (1)(b), whichever is less.

20.—(1) Where an applicant's family includes at least one child or young person £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

21. Except in a case which falls under paragraph 10 of Schedule 5, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

22. Where the total value of any capital specified in Part 2 (capital disregarded only for the purposes of determining deemed income) of Schedule 9 does not exceed £10,000, any income actually derived from such capital.

23. Except in the case of income from capital specified in Part 2 of Schedule 9, any actual income from capital.

24. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.

25. Any victims' payment under the Victims' Payments Regulations 2020.

26. Provision for all applicants: Homes for Ukraine scheme

(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—

- (a) an applicant's entitlement to a reduction under the scheme; or
- (b) the amount of any reduction to which the applicant is entitled.

(2) In this regulation—

“the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022

SCHEDULE 6 Sums disregarded in the calculation of earnings: persons who are not pensioners.

Paragraph 53

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—

- (a) where—
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions, any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
- (b) where before the first day of entitlement to a reduction under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—
 - (i) any payment of the nature described in—
 - (aa) paragraph 51(1)(e) (retainer), or
 - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
 - (ii) any award, sum or payment of the nature described in—
 - (aa) paragraph 51(1)(g) or (i) (compensation etc. relating to employment), or
 - (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals), including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
- (c) where before the first day of entitlement to a reduction under this scheme—
 - (i) the employment has not been terminated, but
 - (ii) the applicant is not engaged in remunerative work, any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph (b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).

2. In the case of an applicant who, before the first day of entitlement to a reduction under this scheme—

- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
- (b) has ceased to be engaged in that employment, whether or not that employment has been terminated, any earnings paid or due to be paid in respect of that employment except—
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).

3. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment, any earnings derived from that employment except earnings to which paragraph 53(3) and (4) (earnings of self-employed earners) apply.

4.—(1) In a case to which this paragraph applies and paragraph 5 does not apply, £20; but notwithstanding paragraph 33 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant, it does not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.

(2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component under Schedule

3 (applicable amounts: persons who are not pensioners).

- (3) This paragraph applies where—
- (a) the applicant is a member of a couple and his applicable amount includes an amount by way of the disability premium under Schedule 3; and
 - (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
5. In a case where the applicant is a lone parent, £25.
- 6.—(1) In a case to which neither paragraph 4 nor paragraph 5 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium under Schedule 3 (applicable amounts: persons who are not pensioners), £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with paragraph 14(2) of that Schedule as being in receipt of carer's allowance.
- (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.
7. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment—
- (a) specified in paragraph 9(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 6 exceed £20;
 - (b) other than one specified in paragraph 9(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
8. In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
- 9.—(1) In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant, £20 of earnings derived from one or more employments as—
- (a) a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
 - (c) an auxiliary coastguard in respect of coast rescue activities;
 - (d) a person engaged part-time in the manning or launching of a life boat;
 - (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;
- but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant, it must not apply to his partner except to the extent specified in sub-paragraph (2).
- (2) If the applicant's partner is engaged in employment—
- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
 - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.
10. Where the applicant is engaged in one or more employments specified in paragraph 9(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment, so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 9 exceed £20.
11. In a case to which none of the paragraphs 4 to 10 applies, £5.

12.–(1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
 - (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
 - (c) paragraph 14 does not apply,
- the amount specified in sub-paragraph (7) (“the specified amount”).

(2) Where this paragraph applies, paragraphs 4 to 11 do not apply; but in any case, where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 5, then paragraph 5 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members of applicant’s family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple (“A”) it does not apply to the other member of that couple (“B”) except to the extent provided in sub-paragraph (4).

(4) Where A’s earnings are less than the specified amount, there must also be disregarded so much of B’s earnings as would not when aggregated with A’s earnings exceed the specified amount; but the amount of B’s earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance; or
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) “Exempt work” means work of the kind described in—

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008; or (as the case may be)
- (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

13. Any amount or the balance of any amount which would fall to be disregarded under paragraph 23 or 24 of Schedule 8 had the applicant’s income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

14. Where an applicant is on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, his earnings.

15. Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

16. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

17. Any earnings of a child or young person.

18.–(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 4 to 12 must be increased by £17.10.

- (2) The conditions of this sub-paragraph are that—
- (a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
 - (b) the applicant—
 - (i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
 - (ii) is a member of a couple and—
 - (aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
 - (bb) his applicable amount includes a family premium under paragraph 4 of Schedule 3; or
 - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
 - (iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and—
 - (aa) the applicant’s applicable amount includes a disability premium under paragraph 9, the work-related activity component under paragraph 21 or the support component under paragraph 22 of Schedule 3 respectively;
 - (bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in paragraph (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or
 - (c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (eligibility for 50 plus element) applies or would apply if an application for working tax credit were to be made in his case.

(3) The following are the amounts referred to in sub-paragraph (1)—

 - (a) (a) the amount calculated as disregardable from the applicant’s earnings under paragraphs 4 to 12;
 - (b) (b) the amount of child care charges calculated as deductible under paragraph 57(1)(c); and
 - (c) (c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph were a reference to 30 hours.

19. In this Schedule “part-time employment” means employment in which the person is engaged on average for less than 16 hours a week.

SCHEDULE 7 Sums disregarded in the calculation of income other than earnings: persons who are not pensioners.

Paragraph 54

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Pilot Scheme.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills, and Enterprise Scheme.
4. Any amount paid by way of tax on income which is to be taken into account under regulation 30 (calculation of income other than earnings).
5. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) a volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 56(5) (notional income: persons who are not pensioners).
6. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
7. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively, and necessarily incurred in the performance of the duties of the employment.
8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his income.
9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
10. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
11. Any disability living allowance, personal independence payment or an AFIP.
12. Any concessionary payment made to compensate for the non-payment of—
 - (a) any payment specified in paragraph 11 or 14;
 - (b) income support;
 - (c) an income-based jobseeker's allowance;
 - (d) an income-related employment and support allowance.
13. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
14. Any attendance allowance.
15. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
- 16.—(1) Any payment—
 - (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.);

- (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
- (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
- (b) corresponding to such an education maintenance allowance, made pursuant to—
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
- (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

17. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.

18.—(1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment—

- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
- (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training, or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

19.—(1) Subject to sub-paragraph (2), any of the following payments—

- (a) a charitable payment;
- (b) a voluntary payment;
- (c) a payment (not falling within paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
- (d) a payment under an annuity purchased—
 - (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
- (e) a payment (not falling within paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

(2) Sub-paragraph (1) does not apply to a payment which is made or due to be made by—

- (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
- (b) the parent of a child or young person where that child or young person is a member of the applicant's family.

20. Subject to paragraph 40, any of the following, namely—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 13 or 14);
- (b) a war widow's pension or war widower's pension;

- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (a) to (d) above;
- (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

21. Subject to paragraph 40, £15 of any—

- (a) widowed mother's allowance paid pursuant to section 37 of the SSCBA;
- (b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.

22.—(1) Any income derived from capital to which the applicant is or is treated under paragraph 70 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 10.

(2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 10 but only to the extent of—

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
- (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.

(3) The definition of “water charges” in paragraph 2(1) (interpretation) applies to sub-paragraph (2) of this paragraph with the omission of the words “in so far as such charges are in respect of the dwelling which a person occupies as his home”.

23. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

- (a) under, or pursuant to regulations made under powers conferred by, section 22 of the Teaching and Higher Education Act 1998, that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan, an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

24.—(1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

- (a) is not in receipt of any award, grant, or student loan in respect of that education; or
- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship, or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980, and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 23, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount must be equal to—

- (a) the weekly amount of the payments; or
- (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance, or payment referred to in sub-paragraph (1)(b), whichever is less.

25. Any payment made to the applicant by a child or young person or a non-dependent.
26. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
27. Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent of such payments;
 - (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.
- 28.—(1) Any income in kind, except where paragraph 54(10)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999 in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to “income in kind” does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
29. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
- 30.—(1) Any payment made to the applicant in respect of a person who is a member of his family—
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(200) (schemes for payments of allowances to adopters) or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);
 - (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
31. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made—
- (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
32. Any payment made to the applicant or his partner for a person (“the person concerned”), who is not normally a member of the applicant’s household but is temporarily in his care, by—
- (a) a health authority;

- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
- (f) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

33. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

34.—(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A—
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.

35.—(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments—

- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974(201) or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) is only to be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (1)(b); and
- (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

36. Any payment of income which by virtue of paragraph 64 (income treated as capital: persons who are not pensioners) is to be treated as capital.

37. Any—
- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
 - (b) occasional assistance.

38. Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).

39. Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

40. The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 33(3) (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 77(2)(b) and paragraph 78(1)(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 81(2) (treatment of student loans), paragraph 82(3) (treatment of payments from access funds) and paragraphs 20 and 21 must in no case exceed £20 per week.

41.—(1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

42. Any housing benefit.

43. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

44. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

45. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax).

46. –(1) Any payment or repayment made–

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).

47. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

48. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

49. –(1) Where an applicant’s applicable amount includes an amount by way of family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant’s former partner, or the applicant’s partner’s former partner.

(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance must, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

50. –(1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant’s family, except where the person making the payment is the applicant or the applicant’s partner.

(2) In sub-paragraph (1)–

“child maintenance” means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under–

- (a) the Child Support Act 1991(202);
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

“liable relative” means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

51. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944(203) to assist disabled persons to obtain or retain employment despite their disability.

52. Any guardian’s allowance.

53.—(1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependent in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependent in respect of whom the increase is paid is not a member of the applicant's family.

54. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

55. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

56.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and
- (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph “the Dispensing Instruments” means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

57. Any council tax benefit to which the applicant is entitled.

58. Except in a case which falls under sub-paragraph (1) of paragraph 18 of Schedule 7, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

59. Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).

60.—(1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—

- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
 - (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,
- in respect of which such assistance is or was received.

(2) Sub-paragraph (1) applies only in respect of payments which are paid to that person from the special account.

61.—(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

62. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.

63. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.

64. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001(204).

65.–(1) Any payment made by a local authority or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) "local authority" includes, in England, a county council.

66. Any payment of child benefit.

67. Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:
(a) an applicant's entitlement to a reduction under the scheme; or
(b) the amount of any reduction to which the applicant is entitled.

"The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022

68. Provision for all applicants: Homes for Ukraine scheme

(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining–

(a) an applicant's entitlement to a reduction under the scheme; or

(b) the amount of any reduction to which the applicant is entitled.

(2) In this regulation–

"the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022

SCHEDULE 8 Capital disregards: pensioners
Paragraph 63

PART 1 Capital to be disregarded.

1. Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
2. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
3. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
4. Any premises occupied in whole or in part—
 - (a) by a person who is a relative of the applicant or his partner as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
6. Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner or the dissolution of a civil partnership with his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.
7. Any premises where the applicant is taking reasonable steps to dispose of the whole of his interest in those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.
8. All personal possessions.
9. The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of those assets.
10. The assets of any business owned in whole or in part by the applicant if—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged, or reengaged, in that business,
for a period of 26 weeks from the date on which the application for a reduction under this scheme is made or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.
11. The surrender value of any policy of life insurance.
12. The value of any funeral plan contract; and for this purpose, “funeral plan contract” means a contract under which—
 - (a) the applicant makes one or more payments to another person (“the provider”);

- (b) the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom for the applicant on his death; and
- (c) the sole purpose of the plan is to provide or secure the provision of a funeral for the applicant on his death.

13. Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner, by the Japanese during the Second World War, an amount equal to that payment.

14.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or an applicant's partner who is—

- (a) a diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the time of the diagnosed person's death; or
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or an applicant's partner who is—

- (a) the diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(4) Where a payment such as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which the payment is made and ending two years after that date.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) acting in place of the diagnosed person's parents, at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home or an independent hospital.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

15. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or civil partner or the applicant's partner's deceased spouse or civil partner—

- (a) was a slave labourer or a forced labourer;

- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died, during the Second World War.

16.— Any payment made under or by—

(a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, “the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Grenfell Tower charitable funds, the Grenfell Tower Residents’ Discretionary Fund, the Windrush Compensation Scheme, the Victims of Overseas Terrorism Compensation Scheme or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or

(aa) a Grenfell Tower support payment;

(b) the Independent Living Fund (2006);

(c) Any historical child abuse payment ;

(d) Any Windrush payment;

(e) Any Post Office compensation payment;

(f) Any vaccine damage payment;

(g) Any payment out of the estate of a person, which derives from a payment to meet the recommendation of the Infected Blood Inquiry in its interim report published on 29th July 2022 made under or by the Scottish Infected Blood Support Scheme or an approved blood support scheme to the estate of the person, where the payment is made to the person’s son, daughter, step-son, or step-daughter.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment and which is made to or for the benefit of that person's partner or former partner—

(a) from whom he is not, or where that person has died was not, estranged or divorced, or

(b) with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment, a Post Office compensation payment or a vaccine damage payment and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Sub-paragraph (3) does not apply if—

(a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

(b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment, a Post Office compensation payment, or a vaccine damage payment where—

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child who is or had been a member of that person's household; and

(b) the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the date of the payment is a child or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts or from a

Grenfell Tower support payment, a historical child abuse payment or a Windrush payment, a Post Office compensation payment, or a vaccine damage payment, where—

(a) that person at the date of his death (“the relevant date”) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child who was or had been a member of his household; and

(b) the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent, but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from—

(a) any payment of income or capital made under or deriving from any of the Trusts; or

(b) a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment, a Post Office compensation payment, or a vaccine damage payment.

16A- Any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disabilities were caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.

16B Any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants;

17.—(1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.

(2) Where the whole or part of the payment is administered—

(a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;

(b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or

(c) in accordance with the terms of a trust established for the benefit of the applicant or his partner,

the whole of the amount so administered.

18. Any amount specified in paragraph 19, 20, 21 or 25 of this Schedule for a period of one year beginning with the date of receipt.

19. Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.

20. So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of—

(a) purchasing premises which the applicant intends to occupy as his home; or

(b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.

21.—(1) Subject to paragraph 22 any amount paid—

(a) by way of arrears of benefit;

(b) by way of compensation for the late payment of benefit;

(c) in lieu of the payment of benefit;

(d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;

(e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000 under a scheme known as “Supporting People” or section 91 of the Housing (Scotland) Act 2001.

(f) by way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph “occasional assistance” has the same meaning as in paragraph 16 of Schedule 1);

(g) to rectify, or compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the applicant’s entitlement to contributory employment and support allowance, being an amount to which paragraph 22(1A) does not apply

(2) In sub-paragraph (1), “benefit” means—

(a) attendance allowance under section 64 of the Act;

(b) disability living allowance;

(c) personal independence payment;

(d) income support;

(e) income-based jobseeker’s allowance;

(f) state pension credit;

(g) housing benefit;

(h) council tax benefit;

(i) child tax credit;

(j) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of the Act (increase for exceptionally severe disablement);

(k) any amount included on account of the applicant’s exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow’s or widower’s pension;

(l) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;

(m) working tax credit;

(n) income-related employment and support allowance,

(o) social fund payments under Part 8 of the SSCBA,

(p) universal credit,

(q) maternity allowance under section 35 of the SSCBA (state maternity allowance for employed or self-employed earner);

(r) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018;

(s) funeral expense assistance given in accordance with section 34 of that Act;

(t) any Scottish child payment assistance given in accordance with section 79 of that Act;

(u) any assistance given in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019;

(v) short-term assistance given in accordance with regulations under section 36 of the Social Security (Scotland) Act 2018;

(w) winter heating assistance given in accordance with regulations under section 30 of that Act; or

(x) bereavement support payment under section 30 of the Pensions Act 2014

(3) In sub-paragraph (1) “contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance

22.—(1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error or an error on a point in law relating to a relevant benefit and which has been received by the applicant in full on or after the day on which he became entitled to benefit under the Council Tax Benefit Regulations 2006 or the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

(1A) Subject to paragraph (3), any payment of £5,000 or more received by the applicant in full on or after the day on which the applicant became entitled to a reduction under an authority’s scheme which has been made to rectify, or compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the applicant’s entitlement to contributory employment and support allowance.

(1B) In sub-paragraph (1A) “contributory employment and support allowance” has the meaning in paragraph 21(3)

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—
(a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
(b) paragraph 12(2) of Schedule 8 to the Jobseeker’s Allowance Regulations 1996;
(c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006;
(d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,
(e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008,
where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.
(f) regulations 10A to 10C of the Universal Credit (Transitional Provisions) Regulations 2014

(3) Any disregard which applies under sub-paragraph (1) (1A) or (2) shall have effect until the award comes to an end.

(4) In this paragraph—

“the award”, except in sub-paragraph (2), means—

- (a) the award of benefit under the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the applicant—
 - (i) is the person who received the relevant sum;
 - (ii) is the partner of that person; or
 - (iii) was the partner of that person at the date of his death;

“official error”—

- (a) where the error relates to housing benefit, or council tax benefit (in respect of any period before 1st April 2013), has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;

“the relevant date” means—

- (a) in the case of an existing award of benefit under these Regulations or the Council Tax Benefit Regulations 2006, 6th October 2003; and
- (b) in any other case, the date on which the claim for benefit under these Regulations or the Council Tax Benefit Regulations 2006 was made;

“the relevant sum” means the total amount referred to in sub-paragraph (1).

22A. Any payment of a widowed parent’s allowance made pursuant to section 39A of the SSCBA (widowed parent’s allowance)—

- (a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the SSCBA) who is entitled to a widowed parent’s allowance for a period before 9th February 2023(2), and
- (b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,
but only for a period of 52 weeks beginning with the date of receipt of the payment or 1st April 2024, whichever is later.

22B.—(1) A payment of bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for the period of 52 weeks from the date of receipt of the payment.

- (2) Where bereavement support payment under section 30 of the Pensions Act 2014 is paid to the survivor of a cohabiting partnership (within the meaning of section 30(6B) of that Act) in respect of a death occurring before 9th February 2023, any amount of that payment which is—
 - (a) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment Regulations 2017, and
 - (b) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died, but only for a period of 52 weeks beginning with the date of receipt of the payment or 1st April 2024, whichever is later.

23. Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable in converting that capital into Sterling.

24. The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

25. Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 6 (amounts to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.

26. The dwelling occupied as the home; but only one dwelling shall be disregarded under this paragraph.

27.—(1) Subject to sub-paragraph (2), where an applicant falls within class C (alternative maximum council tax reduction: pensioners), the whole of his capital.

(2) Sub-paragraph (1) does not apply where an applicant falls within class B and class C.

28. Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—

(a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;

(b) the amount of that lump sum, but only for so long as that person does not change that election in favour of an increase of pension or benefit.

29. - Any payments made by virtue of regulations made under—

(a) section 57 of the Health and Social Care Act 2001 (direct payments);

(b) section 12B of the Social Work (Scotland) Act 1968 (direct payments in respect of community care services);

(c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);

(d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (general social welfare);

(e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments);

or

(f) by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments)

29A.

(1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care)(a).

(2) Any payment or part of a payment made by a local authority in accordance with that section to a person (“A”) which A passes on to the applicant where A—

(a) was formerly in the applicant’s care;

(b) is aged 16 or over; and

(c) continues to live with the applicant.”.

29B. A payment made under the Age-Related payments regulations 2013.

29C Any payments to an applicant made under section 49 of the Children and Families Act 2014 (a) (personal budgets and direct payments)

29D. Any lump sum payment made in accordance with regulation 24 of the Victims’ Payments Regulations 2020.

29E. Any sum paid by means of assistance in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019.

29F. Any sum paid by means of winter heating assistance in accordance with regulations under section 30 of the Social Security (Scotland) Act 2018

29G Provision for all applicants: Homes for Ukraine scheme

(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—

- (a) an applicant's entitlement to a reduction under the scheme; or
- (b) the amount of any reduction to which the applicant is entitled.

(2) In this regulation—

“the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022

PART 2 - Capital disregarded only for the purposes of determining deemed income.

30. The value of the right to receive any income under a life interest or from a life rent.

31. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

32. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

33. Where property is held under a trust, other than—

- (a) a charitable trust within the meaning of the Charities Act 1993; or
- (b) a trust set up with any payment to which paragraph 16 of this Schedule applies, and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant's partner, or both, that property.

34. Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:

- (a) an applicant's entitlement to a reduction under the scheme; or
- (b) the amount of any reduction to which the applicant is entitled.

“The Energy Rebate Scheme 2022” means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022

SCHEDULE 9 Capital disregards: persons who are not pensioners.

Paragraph 63

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.
4. The dwelling together with any garage, garden, and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling is to be disregarded under this paragraph.
5. Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
6. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
7. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
10. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
- 11.—(1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 - (2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business,
for a period of 26 weeks from the date on which the application for a reduction under this scheme is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.
 - (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

12.—(1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraphs 11, 13 or 14 of Schedule 8;
 - (b) an income-related benefit under Part 7 of the SSCBA;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit;
 - (f) an income-related employment and support allowance,
- but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as “the relevant sum”) and is—

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
 - (b) received by the applicant in full on or after 14th October 2001,
- sub-paragraph (1) has effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.

(3) For the purposes of sub-paragraph (2), “the period of an award of a reduction under this scheme” means—

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant—
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum or was that person's partner at the date of his death.

13. Any sum—

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home,
- which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement, or improvement.

14. Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home,
- for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

15. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to a reduction under this scheme or to increase the amount of that reduction.

16. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

17. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

18.–(1) Any payment made to the applicant or the applicant’s partner in consequence of any personal injury to the applicant or, as the case may be, the applicant’s partner.

(2) But sub-paragraph (1)–

- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
- (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
- (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).

19. The value of the right to receive any income under a life interest or from a life rent.

20. The value of the right to receive any income which is disregarded under paragraph 15 of Schedule 7 or paragraph 29 of Schedule 8.

21. The surrender value of any policy of life insurance.

22. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

23. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

24.–(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person (“A”) which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A–

1. was formerly in the applicant’s care, and
2. is aged 18 or over, and
3. continues to live with the applicant.

25. Any–

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

26. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

27. Any capital which by virtue of paragraph 55 or 81 (capital treated as income: persons who are not pensioners, treatment of student loans) is to be treated as income.

28. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

29.–(1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;

any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

the person who is suffering from haemophilia or who is a qualifying person;

any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Sub-paragraph (3) does not apply if—

the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and

the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(8) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

30.—(1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy

that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph “dwelling” includes any garage, garden, and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

31. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

32. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

33. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

34. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

35. The value of the right to receive an occupational or personal pension.

36. The value of any funds held under a personal pension scheme.

37. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

38. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006).

39. Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.

40. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

41. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988(209) or section 66 of the Housing (Scotland) Act 1988(210) (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
to purchase premises intended for occupation as his home; or
to carry out repairs or alterations which are required to render premises fit for occupation as his home,
for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs, or alterations to be completed and the applicant to commence occupation of those premises as his home.

42. Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

43.—(1) Any payment or repayment made—
as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);

as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);

as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

44. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

45. Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).

46. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

47. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944(211) to assist disabled persons to obtain or retain employment despite their disability.

48. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958(212) to homeworkers assisted under the Blind Homeworkers' Scheme.

49.—(1) Subject to sub-paragraph (2), where an applicant falls within class F (alternative maximum council reduction: persons who are not pensioners), the whole of his capital.

(2) Sub-paragraph (1) does not apply where an applicant falls within class E and class F.

50.—(1) Any sum of capital to which sub-paragraph (2) applies and—
which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
which can only be disposed of by order or direction of any such court; or
where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from—
an award of damages for a personal injury to that person; or
compensation for the death of one or both parents where the person concerned is under the age of 18.

51. Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from—
award of damages for a personal injury to that person; or
compensation for the death of one or both parents where the person concerned is under the age of 18.

52. Any payment to the applicant as holder of the Victoria Cross or George Cross.

53. In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

54.—(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

55.—(1) Any payment—

by way of an education maintenance allowance made pursuant to—

(i) regulations made under section 518 of the Education Act 1996;

(ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;

(iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;

) corresponding to such an education maintenance allowance, made pursuant to—

(i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or

(ii) regulations made under section 181 of that Act; or

in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

regulations made under section 518 of the Education Act 1996;

regulations made under section 49 of the Education (Scotland) Act 1980; or

directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

56. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

57. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

58. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—

the applicant;

the applicant’s partner;

the applicant’s deceased spouse or deceased civil partner; or

the applicant’s partner’s deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

59.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant’s family who is—

a diagnosed person;

the diagnosed person’s partner or the person who was the diagnosed person’s partner at the date of the diagnosed person’s death;

a parent of a diagnosed person, a person acting in place of the diagnosed person’s parents or a person who was so acting at the date of the diagnosed person’s death; or

a member of the diagnosed person’s family (other than his partner) or a person who was a member of the diagnosed person’s family (other than his partner) at the date of the diagnosed person’s death.

(2) Where a trust payment is made to—

a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;

a person referred to in sub-paragraph (1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date;

a person referred to in sub-paragraph (1)(d), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending—

(i) two years after that date; or

(ii) on the day before the day on which that person—

(aa) ceases receiving full-time education; or

(bb) attains the age of 20, whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—

the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or

a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to—

a person referred to in sub-paragraph (3)(a), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending on the date on which that person dies;

a person referred to in sub-paragraph (3)(b), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending two years after that date; or

person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending—

(i) two years after that date; or

(ii) on the day before the day on which that person—

(aa) ceases receiving full-time education; or

(bb) attains the age of 20,

whichever is the latest.

(5) In this paragraph, a reference to a person—

being the diagnosed person's partner;

being a member of a diagnosed person's family;

acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home, or an independent hospital on that date.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

60. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner—

was a slave labourer or a forced labourer;

had suffered property loss or had suffered personal injury; or

was a parent of a child who had died,

during the Second World War.

61.—(1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) “local authority” includes in England a county council.

62. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

63. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

64. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

65. Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:

(a) an applicant’s entitlement to a reduction under the scheme; or

(b) the amount of any reduction to which the applicant is entitled.

“The Energy Rebate Scheme 2022” means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022

66. Provision for all applicants: Homes for Ukraine scheme

(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—

(a) an applicant’s entitlement to a reduction under the scheme; or

(b) the amount of any reduction to which the applicant is entitled.

(2) In this regulation—

“the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022

Report to: Full Council

Date: 22/01/2025

Subject: Council Tax Base and Collection Rate 2025/26 and Delegation of the Business Rate Estimate

Report of: Councillor Rowan Ree, Cabinet Member for Finance and Reform

Report author: Jamie Mullins, Assistant Director, Revenues

Responsible Director: Sukvinder Kalsi, Executive Director for Finance and Corporate Services

SUMMARY

This report is a statutory requirement that sets the Council Tax base for the purposes of the 2025/26 revenue budget.

The proposed 2025/26 Council Tax base is 88,304. This is an increase of 2,191 on the figure agreed for 2024/25 and will result in an increased income, based on the 2024/25 Band D Council Tax charge, of £2.0m for Hammersmith & Fulham.

The report also delegates authority to the Executive Director for Finance and Corporate Services to determine the business rates tax base for 2025/26.

RECOMMENDATIONS

That Full Council approves the following for the financial year 2025/26:

1. The estimated numbers of properties for each Valuation Band as set out in this report.
2. An estimated collection rate of 97.0%.
3. The Council Tax Base of 88,304 Band "D" equivalent properties.
4. The delegation of authority to the Executive Director for Finance and Corporate Services to determine the business rates tax base for 2025/26.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	Keeping the Council Tax low and providing Council Tax support help

	residents to maintain affordable living costs.
Creating a compassionate council	We continue to lead on Ethical Debt collection by working closely with vulnerable residents and advice agencies and not employing Enforcement Agents for the collection of Council Tax for those who claim Council Tax Support. Similarly, we have one of the most comprehensive Council Tax Support Schemes in the country, providing relief for those least able to pay.
Being ruthlessly financially efficient	The recommendations in this statutory report will ensure that the Council will charge the new premium on long term empty properties and second homes. These premiums will generate additional income and contribute to one of the lowest Council Tax rates in the country.
Taking pride in H&F	The Council's policy on charging the premiums on empty or second properties will also encourage landlords to bring these properties back in to use and creating safer and cleaner communities for residents and contributing to the prevention of homelessness.

Financial Impact

Council Tax Base

The Local Government Finance Act 1992 requires that the council set the tax base by 31 January each year. It is used within the overall Council Tax and budget setting process, due to be reported to Cabinet on the 10th of February 2025 and to Budget Council on the 26th of February 2025.

The proposed Council Tax Base for 2025/26 of 88,304 is 2,191 Band D equivalents, higher than the 86,113 agreed for 2024/25.

Council Tax base changes.

The main reasons for the tax base change are:

	Band D Equivalents
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Change in actual Tax Base from September 23 to September 24	757
Forecast increase in new properties	1,274
A forecast reduction in the number of single persons discounts	(234)
Forecast increase in exemptions reducing tax base	(598)
Forecast increase for second home and empty premium changes	1,175
Forecast reduction because of care leavers, foster carers, special guardianship orders & other discounts	(183)
Increase from the 2024/25 tax base	2,191

The financial implications of this report will be incorporated in the final version of the 2024/25 budget report and Council Tax calculations to be considered by the Cabinet and Full Council.

The movement in the taxbase and that of prior years will be analysed to inform the medium-term financial strategy for the Council and future years taxbase projections.

Andre Mark, Head of Finance, Strategic Planning and Investment, 13 November 2024.
Verified by James Newman, AD Finance, 13 November 2024.

Legal Implications

The Council has a statutory duty to set the Council Tax each year and this report is part of this process.

The relevant regulations and legislation together with the legal basis for agreeing the recommendations relating to the Council Tax base are found under section 31B of the Local Government Finance Act 1992 which imposes a duty on a billing authority to calculate its Council Tax by applying a formula laid down in that section. This relies on calculating a figure for the Council Tax base for the year. The Local Authority (Calculation of Council Tax Base) (England) Regulations 2012 require a billing authority to use a given formula to calculate the Council Tax base. The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003, as amended in 2012 and Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012 address the position of second and unoccupied homes.

Jade Monroe, Chief Solicitor, Social Care, 11 November 2024.

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Discounts and Premiums

Second Homes and Empty Properties Premiums

1. Due to a Statutory legislative amendment which was passed in October 2024, we will be charging an additional 100% premium on second homes from the 1st of April 2025. Empty properties which were previously subject to a 100% premium after two years of being empty will now be charged that premium after 12 months. The second homes and empty properties premium changes are projected to raise an additional 1175 band D equivalents.
2. Based upon 2024/25 Council Tax levels, this generates additional income to the Council of £1.07m. Our preceptor, the Greater London Authority (GLA), also benefits from the addition premiums.

Council Tax Support

3. Under Council Tax support, Hammersmith & Fulham and the GLA absorb the full cost of the scheme. This mirrors the previous Council Tax benefit arrangements. For 2025/26, the Council has provided Council Tax support discounts that equate to 10,026 Band 'D' equivalents. Based on 2024/25 Council Tax levels, this represents financial support of £13.90m (including the GLA precept).
4. The tax base regulations require the cost of the scheme to be treated as a discount and deducted from the Council's tax base calculation.

Valuation Band Properties

5. In previous years the latest information on the number of properties within each valuation band is contained within a return (CTB1), which the Council provided to the DLUHC on 7 October 2024. That return reflected the actual number of properties shown in the Valuation List as of 9 September 2024, and the Council's records as of 16 October 2024.
6. A detailed analysis of the properties in each valuation band is summarised below. There are 94,867 dwellings on the list with 28,855 properties estimated to receive a single person's discount. The total Band "D" equivalent is approximately 99639.5 properties.

Council Tax Base Return Summary (CTB1)

Band	Band Size	Total Dwellings	Total after Discounts, Premiums, Exemptions and Disabled Relief	Ratio	Band "D" Equivalents
A	Values not exceeding £40,000	4114	2992.3	6/9	1994.8
B	Values exceeding £40,000 but not exceeding £52,000	6627	4960.8	7/9	3858.4
C	Values exceeding £52,000 but not exceeding £68,000	14502	12610.3	8/9	11209.1
D	Values exceeding £68,000 but not exceeding £88,000	25910	23254.3	9/9	23254.3
E	Values exceeding £88,000 but not exceeding £120,000	17310	15842.3	11/9	19362.8
F	Values exceeding £120,000 but not exceeding £160,000	11216	10338.5	13/9	14933.4
G	Values exceeding £160,000 but not exceeding £320,000	12258	11557.8	15/9	19262.9
H	Values exceeding £320,000	2930	2881.5	18/9	5763.0
	Total	94867	84439.0		99639.5

Adjustments to the Valuation List

7. The above table shows the valuation band position on 07 October 2024, but the Council is also required to consider any likely changes that may arise for the financial year 2025/26. Therefore, the following adjustments need to be considered:

New Properties

8. There are likely to be a number of new properties, conversions etc added to the valuation list at some point during the year. There are approximately 1001 units currently under construction on various sites in the borough that will be added to the tax base sometime during 2025/26. It is estimated after allowing for different completion dates that this will equate to an additional 1273.5 Band 'D' equivalents.

Single Person Discounts (SPD)

9. Based on Sole Occupier Discount increases over the last year following on from the SPD review, we are projecting that an additional 234.4 band D equivalents by 1st April 2025.

Student Exemptions

10. Dwellings wholly occupied by students are exempt from Council Tax. The projected Council Tax base needs to be adjusted to allow for students that have yet to prove their exemption for the new academic year. It is estimated that an adjustment of 597.6 Band D equivalents is required.

Council Tax Support

11. The cost of the scheme equates to 10,026 Band “D” equivalents, based on 2024/25 Council Tax levels, which are deducted from the tax base for 2025/26. This is less than the deduction of 10,355 Band D equivalents made in 2024/25. This is due to a small decrease in the number of claimants applying for a discount.

Care Leavers, Foster Carers and Special Guardianship Orders

12. For 2025/26, the Council has provided discounts for care leavers up to the age of 25. This equates to 110.5 Band D equivalents based on 2024/25 Council Tax levels. The cost of this discount is fully funded by the Council and needs to be deducted from the council’s tax base calculation.

From the 1st of April 2024, the Council has also provided an exemption for In-House foster carers and special guardians residing in the Borough. This equates to 72 Band D equivalents based on 2024/25 levels, The cost of this exemption will be fully funded by the Council and also needs to be deducted from the council’s tax base calculation.

13. The Council is required to set its tax base on the total of the relevant amounts for the year for each of the valuation bands shown or is likely to be shown for any day in the year in the authority’s valuation list.
14. Based on the CTB1 calculation of 7 October 2024 and the proposed adjustments, the Council is requested to approve the estimated numbers of
15. properties for each valuation band as set out in the following table:

2025/26 Council Tax Base Calculation

Band	Band "D" Equivalent Actual September	Adjustments for New Properties	Adjustments for Student Exemptions	SPD	Projected increase for second home and empty premium changes	Care Leaver Foster carers, special guardianship orders	Revised Band "D" Equivalent
A	1,533.8	0	-13.3	-10.3	19.7	-16.6	1,513.3
B	2,833.6	0	-20.2	-22.7	36.9	-38.1	2,789.5
C	8,976.4	0	-70.2	-20.4	102.7	-32.8	8,955.7
D	20,199.2	481	-157.0	-62.0	222.6	-46.0	20,637.8
E	17,465.3	80.6	-140.5	-36.6	167.5	-23.2	17,513.1
F	14,070.5	290.3	-145.8	-38.2	115.8	-18.7	14,273.9
G	18,776.2	421.6	-46.6	-33.7	393.4	-7.1	19,503.8
H	5,745.0	0	-4.0	-10.5	116.5	-0	5,847.0
Total	89,600.8	1,273.5	-597.6	-234.4	1,175.1	-182.5	91,034.9

Collection Rate

16. The Council is also required to estimate its collection rate for 2025/26 at the same time as arriving at the estimated number of properties within the tax base. In arriving at a percentage collection rate for 2025/26, the Council considers the likely sum to be collected, previous collection experience and any other relevant factors.

17. The actual sum to be collected from local Council Taxpayers cannot be finally determined until the preceptor's requirements are known and the Council has approved its budget. The Council therefore must make an estimate of the sums to be collected locally making estimated allowance for sums from Council Tax support and write-offs/non-collection.

18. The actual collection rate for 2024/25 achieved to the end of October 2024 is 59.22% comprising cash collection of £74.6m and Council Tax Support of £13.8m. It is estimated that a further £46.02m (37.78%) will need to be recovered thereafter to obtain the overall target of 97%.

19. It is suggested that the collection rate for 2025/26 is set at 97%.

The Tax Base

20. Under Section 31(B) of the Local Government Finance Act 1992 and the Regulations, the Council's tax base is calculated by multiplying the estimated number of Band "D" equivalents by the estimated collection rate.

21. Based on the number of Band “D” equivalents in the table in paragraph 9. Above and the estimated collection rate in paragraph 19 above, the calculation is as follows:

$$(\text{Band D equivalents}) \times (\text{Collection Rate}) = (\text{Tax Base})$$

$$91,035 \times 97.0\% = 88,304$$

Business Rates Tax base

22. The Local Government Finance Act 2012 made it obligatory for authorities to formally calculate the estimated level of business rates (the business rates tax base) it anticipates collecting for the forthcoming financial year and passing this information to precepting authorities by 31 January. The Government continues to set the tax rate (known as the non-domestic multiplier).

23. The tax base is based on data from the Valuation Office with local allowance for the appropriate level of business rates appeals, the provision for bad debts, any discretionary reliefs and any forecast growth. This information is pulled together into a government return (NNDR1). The detailed guidance on completing the NNDR1 will be issued just before Christmas.

24. Non-Domestic Rating

For 2025/26, with the temporary Retail Hospitality and Leisure (RHL) Relief expiring, the government is introducing a new discount rate of 40%. The small business multiplier will be frozen for 2025/26 for properties receiving RHL relief.

Equality Implications

25. There are no anticipated negative implications for groups with protected characteristics, under the Equality Act 2010, by the approval of these proposals. In acknowledgement of the significant inequalities, discrimination and stigma faced by care leavers, this report exempts care leavers from Council Tax up to the age of 25.

26. From the 1st of April 2024, the Council has also provided an exemption for In-House foster carers and special guardians residing in the Borough.

Risk Management Implications

27. The report considers the implications required by the Council to meet its obligations under the Local Government Finance Act 2012 which made it obligatory for authorities to formally calculate the estimated level of business rates (the business rates tax base) it anticipates collecting for the forthcoming financial year and passing this information to precepting authorities by 31 January. The Council is also required to estimate its Collection Rate for 2025/26

at the same time as arriving at the estimated number of properties within the Tax Base. The Council is required Under Section 33(1) of the Local Government Finance Act 1992 and The Local Authorities (Calculations of Council Tax Base) (England) Regulations 2012, the Council (as billing authority) to calculate its Council Tax Base. The proposals are compliant with statutory duties and are provided in accordance with management of standing risk to manage the Council's finances. Changes in the recovery policy are anticipated to have a beneficial impact on the collection rate from 2025/26, which will further protect funding for essential frontline services. The Council has or will be taking steps to support specific groups through the use of discounts, including care leavers, in-house foster carers and special guardians.

Implications verified by, David Hughes, Director of Audit, Fraud, Risk and Insurance, 8 November 2024

LIST OF APPENDICES

None

Agenda Item 6.3

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Full Council

Date: 22/01/2025

Subject: Hammersmith & Fulham Council's new Air Quality Action Plan 2025-30

Report of: Councillor Wesley Harcourt, Cabinet Member for Climate Change and Ecology
Councillor Sharon Holder, Cabinet Member for Public Realm

Report author: Adam Webber, Air Quality Policy and Strategy Lead

Responsible Director: Bram Kainth, Executive Director of Place

SUMMARY

Hammersmith & Fulham is the tenth worst local authority in England for air pollution - with 7.4% of deaths linked to toxic air, according to Public Health England¹.

Toxic air can lead to dementia, cancers, heart disease, asthma, lung problems and early death. Children are particularly sensitive to dirty air as their body and lungs are developing.

Figures from 60 monitoring stations across H&F show there is not a single part of the borough where the air quality meets World Health Organisation targets. H&F is committed to reducing the exposure of people to poor air quality. We also have the aim of being the greenest local authority.

This report recommends the implementation of the council's new Air Quality Action Plan 2025-2030 to help tackle dangerous levels of air pollution in H&F and help deliver the Council's Net Zero 2030 target.

This plan aims to protect the health and wellbeing of the people who live, work in and visit the borough from the effects of air pollution, and to promote healthy living by protecting children and families from filthy air.

Key goals for the council are: tackling the sources of pollution that the council can control; raising residents' and businesses' awareness of the dangers of air pollution; and working with the Greater London Authority and Transport for London to make the improvements needed to reduce pollution in the borough and across London.

In order to achieve this, we have the following key priorities:

- Provide the necessary infrastructure to enable more active travel, such as walking, wheeling, and cycling;
- Develop Clean Air Neighbourhood projects, including tree planting, sustainable drainage systems and traffic and pollution reduction measures, where supported by residents;
- Work collaboratively with our partners and stakeholders on innovative policies and projects;

¹ Public Health England Outcomes Framework | [fingertips.phe.org.uk](https://www.fingertips.phe.org.uk)

- Support residents and businesses to adopt car-sharing and clean vehicles;
- Reduce building emissions by replacing older boilers with clean heat networks and heat pumps;
- Address indoor pollution, a new area of concern given how long we all spend indoors and in our homes and offices;
- And tackle pollution at schools, as well as journeys to and from, through initiatives such as School Streets Plus.

RECOMMENDATIONS

1. To note the Council's new Air Quality Action Plan 2025-30 which was approved at Cabinet on 16 December 2024.
-

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	Improved air quality and improved health and wellbeing will positively impact on the economy of the borough, from reducing sick days and increasing productivity, to having healthier and happier individuals and businesses. Tackling air pollution and the climate emergency will also result in opportunities for us to support the green economy in the borough.
Creating a compassionate council	Air pollution disproportionately affects the young, the old, the vulnerable, those less well-off and those from Black, Asian and Minority Ethnic backgrounds. By improving air quality across the borough, we will be reducing inequalities and creating a fairer and more equitable borough for all.
Doing things with local residents, not to them	Air pollution is not something the council can wholly tackle on its own. As well as being co-created with our residents through a public consultation, this Action Plan aims to empower our residents, schools, businesses and other stakeholders to take action to reduce their emissions, and reduce their exposure to harmful pollution.
Being ruthlessly financially efficient	There is a strong co-benefit between many actions to improve air pollution, and actions to reduce our carbon emissions. The benefits of improved health and wellbeing from cleaner air will also be seen in a reduced financial burden on the NHS and on adult social care and children's services. Many of the successful projects we have implemented to date on air pollution have been the result of successful grant funding applications.

Taking pride in H&F	Tackling air pollution will result in a cleaner, greener, healthier borough. As well as the benefits of improved health across our communities from cleaner air, there are other areas that this Action Plan will support, from improved health and wellbeing from increased active travel, to the mental health benefits of high quality green space across the borough.
Rising to the challenge of the climate and ecological emergency	Tackling air pollution is a key component of our wider environmental work that will support our ambitions of being a net carbon zero borough by 2030. As well as seeking to meet our statutory obligations, this Action Plan goes further in affirming our commitment to meeting the stringent World Health Organisation guidelines for air quality. Improved air quality will also support other key climate challenges: there are co-benefits between air quality and carbon emissions, biodiversity and green space, noise and waste emissions.

Financial Impact

There is no direct cost associated with the adoption of the Air Quality Action Plan (AQAP) 2025-30. Table 4.1 of the AQAP provides a list of 40 headline actions for implementation with estimated costs and indicative funding source(s). Funding is expected to come from a variety of sources, including existing approved budgets across the Council (marked as ‘normal business’ in the action plan), external grant funding for specific projects and actions, and other existing external funding (such as the carbon offset fund and appropriate s106 and CIL). This report does not seek approval for any new or additional funding. Should that be required, this will be considered as a separate report(s) in accordance with the Council’s governance framework.

Kellie Gooch, Head of Finance (Environment), 20 May 2024.

Danny Rochford, Head of Finance (Housing Revenue Account & Economy), 3 December 2024

Verified by: Sukvinder Kalsi, Executive Director Finance & Corporate Services, 3 December 2024

Legal Implications

The whole of the borough of Hammersmith & Fulham is a designated Air Quality Management Area. Section 83 of Part IV of the 1995 Environment Act (“1995 Act”) requires local authorities to designate an Air Quality Management Area (“AQMA”) where air quality objectives, as set out in the 2000 Regulations, are not being achieved, or are not likely to be achieved within the relevant period.

Once the area has been designated, section 84 requires the local authority to develop an “Air Quality Action Plan” detailing remedial measures to tackle the problem within the AQMA.

This Air Quality Action Plan fulfils this requirement, and the Plan has been developed in consultation with the GLA, who manage the London Local Air Quality Management function per Part IV of the 1995 Act.

The appropriate decision maker is the Cabinet.

The decision is a Key Decision and the report must be submitted to Committee Services for publication on the Council's website.

Angela Hogan, Chief Solicitor (Contracts and Procurement), 3 December 2024

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

Proposals and Analysis of Options

1. Tackling air pollution is a policy priority for the Council. It actively supports one of the Council's key values, that of rising to the challenge of the climate and ecological emergency. That is why this Action Plan reaffirms the Council's commitment to meeting the World Health Organization guidelines for air quality across the borough, which are more stringent and ambitious than the national objectives given to us by central Government.
2. The evidence is incontrovertible that air pollution affects health. Poor air quality is the largest environmental risk to public health in the UK². Long term exposure to pollution can cause chronic conditions such as cardiovascular and respiratory diseases as well as lung cancer. It can cause the onset of asthma and has impacts throughout all stages of life, from pre-natal through to later years. As such, it is a burden on the NHS and social care services, with costs to the NHS if strong action isn't taken estimated at approximately £5.4bn by 2035³.
3. There is also an equalities angle to air pollution: it disproportionately affects vulnerable communities, those less well off, and those from Black, Asian and Minority Ethnic backgrounds⁴. Our work to improve air quality will therefore contribute towards the Council's efforts to create a more equal and fairer borough for everyone.
4. The Council also has a statutory duty to tackle pollution. Pursuant to our statutory duties as a designated Air Quality Management Area, the Council is

² UK Government: Health Matters – Air Pollution | [Health matters: air pollution - GOV.UK \(www.gov.uk\)](https://www.gov.uk/health-matters/air-pollution)

³ Estimating the costs of air pollution to the National Health Service and social care: An assessment and forecast up to 2035 | [Estimating the costs of air pollution to the National Health Service and social care: An assessment and forecast up to 2035 — UK Health Security Agency \(ukhsa.gov.uk\)](https://www.ukhsa.gov.uk/estimating-the-costs-of-air-pollution-to-the-national-health-service-and-social-care)

⁴ Greater London Authority air quality exposure and inequalities study 2023 | [Air Pollution and Inequalities in London - update 2023 | London City Hall](https://www.london.gov.uk/inequalities-in-london)

required to have an Air Quality Action Plan. The Plan, recommended in this report for adoption, fulfils these statutory requirements, and sets out how the Council will work to meet national objectives for air pollution and help improve the health and wellbeing of everyone in the borough over the next five years.

5. As a statutory document, we are relatively restricted in the style and format of the Plan. As a result, a public-facing summary version of the Plan will be produced in order to provide the best possible advice to our residents on the dangers of pollution and the action they can take to both reduce their own emissions, and reduce their exposure to dirty air. Members will be consulted on the look and feel of this document once the main AQAP has been adopted. A section of the designed up AQAP itself is attached to this report (Appendix 5) to give an early look at the design (rather than the copy within it) – again, the Plan will be fully designed up once the text of the AQAP (Appendix 1) has been adopted.
6. The draft Plan recommended for adoption in this report has been subject to internal consultation and review, and an external public consultation phase. Several changes to the Plan were made as a result of the public consultation, and feedback from Cabinet members, which are set out in Appendix 3.
7. The original consultation version of the Plan was dated 2024-29. However, to reflect the expected adoption date of the Plan, this has been amended to 2025-30 in consultation with the relevant Cabinet members. This also aligns the Plan to our wider Net Zero 2030 Strategy and goals.
8. The Plan is made up of two key elements. The first section is the context of air pollution in Hammersmith & Fulham. It sets out the health impacts of air pollution, and the links between our work on air quality and our wider work on climate change. Details are included on the sources of air pollution, the levels of air pollution across the borough, and how pollution levels have changed over time (and are forecast to change in future years). The second section is the statutory action plan matrix, which consists of 40 headline actions the Council will take over the next five years.
9. The 40 headline actions within the Plan are split into seven categories, which are taken from the GLA's air quality action plan matrix:
 - **Monitoring and other core statutory duties:** maintaining monitoring networks is critical for understanding where pollution is most acute, and what measures are effective to reduce pollution. There are also a number of other very important statutory duties undertaken by boroughs, which form the basis of action to improve pollution;
 - **Localised solutions:** where supported by residents, these seek to promote healthy living and improved air quality through Clean Air Neighbourhood measures including: traffic and pollution reduction trials, sustainable drainage systems, tree planting, schools streets initiatives and improved infrastructure for walking and cycling;
 - **Emissions from developments and buildings:** it is modelled that emissions from buildings will soon overtake transport emissions as the single biggest

source of NO_x emissions in the borough. Tackling emissions from buildings also results in co-benefits to our work reducing carbon emissions across H&F;

- **Public health and awareness raising:** increasing awareness can drive behavioural change to lower emissions as well as to reduce exposure to air pollution;
- **Delivery servicing and freight:** vehicles delivering goods and services are usually light and heavy-duty diesel-fuelled vehicles with high primary NO₂ emissions;
- **Borough fleet actions:** our fleet includes light and heavy-duty diesel-fuelled vehicles such as mini buses and refuse collection vehicles with high primary NO₂ emissions. Tackling our own fleet means we will be leading by example;
- **Cleaner transport:** road transport is the main source of air pollution in London. We need to incentivise a change to walking, cycling and ultra-low emission vehicles (such as electric) as far as possible.

10. Ownership of the actions within the AQAP are spread across the Council. These are listed within the Plan, alongside details of the governance of the Plan and how we will report on progress. It is a statutory duty for the Council to provide Annual Status Reports, signed off by the GLA, which give updates on progress against AQAP actions in the previous calendar year. These Annual Status Reports can be found on the Council's website.
11. At the end of the Plan is a series of checklists of recommendations for individuals / community groups, schools and businesses; these are aimed at enabling these groups to take immediate action to both reduce their exposure to harmful air pollution, and also reduce their own emissions.
12. It should be noted that the Plan, while in place for five years, can be considered a 'living document', and changes to it, including updates to actions, can be made within its life span. Part of the draft design version of the Plan is appended to this report to provide an overview of the visual style proposed for the final AQAP.

Reasons for Decision

13. Pursuant to our statutory duties as a designated Air Quality Management Area, the Council is required to have an Air Quality Action Plan. The Plan, recommended in this report for adoption, fulfils these statutory requirements, and sets out how the Council will work to meet national objectives for air pollution and help improve the health and wellbeing of everyone in the borough over the next five years.
14. The AQAP has been produced in consultation with stakeholders including the GLA, and subject to a statutory public consultation. Following this, the current draft AQAP 2025-30 is recommended for adoption by the Council.

Equality Implications

15. An Equalities Impact Assessment screening assessment has been undertaken for this work. The screening assessment found no negative impacts on any protected characteristic groups, and several instances of positive impacts on protected characteristic groups. The screening assessment is appended to this report (Appendix 4).

Risk Management Implications

16. There are no significant risks to this initiative.

Jules Binney, Risk and Assurance Manager, 3 December 2024

Climate and Ecological Emergency Implications

17. Tackling air pollution is a key component of our wider environmental work that will support our ambitions of being a net carbon zero borough by 2030. As well as seeking to meet our statutory obligations, this Action Plan goes further in affirming our commitment to meeting the stringent World Health Organisation guidelines for air quality.
18. Improved air quality will also support other key climate challenges: there are strong co-benefits between air quality and carbon emissions, biodiversity and green space, noise and waste emissions.

Hinesh Mehta, Assistant Director Climate Change, 3 December 2024

Consultation

19. The consultation version of the AQAP was designed in consultation with the GLA, who manage the London Local Air Quality Management process.
20. A public consultation for the draft AQAP was undertaken in December 2023 – February 2024 via the Council's 'Have your say' online consultation portal. The consultation report capturing the results and feedback received is appended to this report (Appendix 2). As a result of the consultation, a number of changes were made to the draft Plan: these are summarised in the change tracker also appended to this report (Appendix 3).

LIST OF APPENDICES

- Appendix 1 – Draft Hammersmith & Fulham Air Quality Action Plan 2025-30
- Appendix 2 – Consultation report for the AQAP 2025-30⁵
- Appendix 3 – Consultation change tracker for the AQAP 2025-30
- Appendix 4 – Equalities Impact Assessment screening assessment for the AQAP 2025-30
- Appendix 5 – Draft design section of the AQAP 2025-30⁶

⁵ Note that during the consultation the AQAP was dated 2024-29, rather than the proposed dates for adoption of 2025-30 agreed with Cabinet Members (see paragraph 7 of this report). As such the title of the pdf report and references throughout this document are to 2024-29.

⁶ Note that when this design draft was produced, the AQAP was dated for 2024-29. This has now been updated. See footnote 5 above.

APPENDIX 1

AIR QUALITY ACTION PLAN
2025 – 2030

(Cover art, formatting and design to be completed once the AQAP has been formally adopted and approved by the Council.)

DRAFT

What is this document?

This is a two-part document which sets out Hammersmith & Fulham's Council approach for improving air quality and protecting health from exposure to air pollution in Hammersmith & Fulham.

The first part of this Air Quality Action Plan (AQAP) sets out why tackling air pollution is a key priority for the Council. It explains why air pollution is so harmful to our health, where pollution comes from, how it has changed in the borough over time, and what actions we have taken to date to improve the quality of the air we all breathe. The second part is the Action Plan matrix, which sets out the actions and policies which will be undertaken in the next five years to reduce air pollution across the borough.

This document goes far beyond the legal requirements for councils on air quality, by committing Hammersmith & Fulham to more ambitious WHO (2021) air quality standards and including actions to tackle pollution from new sources not usually addressed by local authorities, such as indoor air pollution.

Why does this document matter to you?

- Everyone is affected by air pollution – clean air is important for us all.
- This Air Quality Action Plan 2025-2030 sets out what H&F Council and our partners will do to improve air quality over the next five years.
- This Plan also gives you information and suggestions for you, to help you do your bit by reducing emissions in your daily life, as well as helping you protect your own health by avoiding harmful pollution.
- This means this AQAP is for everyone, whether you live in, work in, go to school in, or simply visit Hammersmith & Fulham.

As this is a statutory document, there is a lot of information in this Action Plan. The contents page below can help guide you to find the information that you need.

This AQAP was prepared by the Air Quality Team of Hammersmith & Fulham Council with the support and agreement of departments across the Council. Following a public consultation, this AQAP has been approved by the Leader of the Council and the Cabinet of Hammersmith & Fulham Council.

This AQAP will be subject to an annual review, appraisal of progress and reporting to the relevant Council Committee. Progress each year will be reported in the Annual Status Reports produced by Hammersmith & Fulham, as part of our statutory London Local Air Quality Management duties.

If you would like to contact us about this document, please get in touch with us at:

Air Quality
Hammersmith & Fulham Council
King Street
Hammersmith W6 9JU

Email: AQAP@lbhf.gov.uk

CONTENTS

To be incorporated at design stage

DRAFT

Foreword

Hammersmith & Fulham sits in the basin of the Thames Valley. On some days the air quality is perilous.

Dirty air causes cancer, strokes, heart disease and dementia. It is particularly bad for young children, causing a detrimental effect on brain development, stunted lungs and damage to developing organs.

It is bad for the old, and those with pre-existing health conditions. It disproportionately affects vulnerable people, poorer people, and those from Black, Asian, and Minority Ethnic groups.

Nobody would willingly drink a glass of dirty water. Yet roughly 18 times each minute we do just that. We breathe in contaminated, poisonous air.

Pollution comes from the vehicles on our roads, the gas boilers in our buildings, the dust from construction and development work across our borough and beyond.

There is no safe level of air pollution, and that is why we in H&F have committed to meeting the World Health Organisation 2021 guideline values for air quality by 2030 - which are far more ambitious than those set out for us by central government.

We cannot just focus on the outside world. Indoor air pollution is a newer concern – air indoors can be as polluted as outdoors.

This action plan rises to the new challenge, committing us to tackle pollution inside our homes and offices and schools. This year we launched our first school streets and are committed to rolling this programme out across the borough.

Tackling dirty air and our ambitions for a net zero by 2030 go hand in hand. Reducing carbon emissions, improving biodiversity and ecology across the borough, and improving the quality of our air are all key priorities for the council.

To measure the effects of the actions we're taking, we have installed the largest hyper local Breathe London air quality monitoring network in London.

That has enabled us to see how pollution has dropped in the Clean Air Neighbourhood streets of South Fulham where commuter traffic has been removed.

Finally, we know that we cannot tackle this issue alone. Our New Better Air Better Health partnership brings us together with our partners in healthcare, academia and beyond. We want to show leadership, to inspire and encourage action from everyone in the borough.

Only by residents, community groups, schools, businesses, universities and hospitals working together, can we improve the air we breathe and the health and wellbeing of everyone who lives in, works in, or visits our great borough.

Cllr Stephen Cowan, Leader of Hammersmith and Fulham Council
Dr Nicola Lang, Director of Public Health

DRAFT

EXECUTIVE SUMMARY

Our new Air Quality Action Plan 2025-30 sets out Hammersmith & Fulham's vision for a borough with cleaner air, and improved health and wellbeing for all. It is part of the Council's Climate and Ecological Strategy 2021-2030.

This plan will help us protect the health and wellbeing of the people who live, work in and visit the borough from the effects of air pollution, and to promote healthy living by protecting children and families from filthy air.

Air pollution affects all of us before we are even born to our last years. Young or old, in good health or with existing health issues. Improving air quality is a key priority for the council as part of its commitment to improving the environment and our commitment to public health and wellbeing, and this Air Quality Action Plan (AQAP) sets out what we are going to do and achieve in the next five years to make our vision of a cleaner, healthier borough a reality.

As well as affecting our health, air pollution damages the economy, increasing sick days and illnesses as well as being a burden on the NHS and our social care systems.

This AQAP has been produced as part of our duty to London Local Air Quality Management. It builds upon our past successes and outlines the further actions we will take to improve air quality in Hammersmith & Fulham between 2025-2030. This document fulfils our statutory obligations, but it also goes further, because air pollution can still damage our health even at very low concentrations. As a result, as a Council we are committed to meeting the World Health Organization Air quality (2021) guidelines for air quality by 2030 – making this Action Plan an ambitious document, where bold action can equal hugely positive impacts.

Tackling air pollution is something that we as a council cannot do alone. This Action Plan sets out how we will partner with experts (such as the NHS and Imperial College through our Better Air Better Health partnership), work with and lobby central government and the Mayor of London and help empower our communities to make changes to both reduce their own emissions, but also reduce their exposure to harmful air pollution.

The purpose of this plan is to protect the health and wellbeing of the people who live, work in and visit the borough from the effects of air pollution. It also supports our aim of being the greenest local authority in the country.

We have the following overarching goals:

- **Tackling the sources of pollution that the council can control** – for example from our own properties and fleet and through our planning policies, our transport policies, highways works and maintenance.
- **Raising residents' and businesses' awareness** of what they can do to reduce their own emissions and how to avoid exposing themselves to existing pollution.
- **Lobbying the government** to make the changes needed to improve air quality across the country.
- **Working with the GLA and TfL** to make the improvements needed to reduce pollution in the borough and across London.

To achieve this, we have the following priorities:

1. Provide the necessary infrastructure to enable more **active travel, such as walking, wheeling, and cycling**.
2. The development of **Clean Air Neighbourhood projects**, including tree planting, sustainable drainage systems and traffic and pollution reduction measures, where supported by residents.
3. Working collaboratively with our partners and stakeholders on innovative policies and projects. Our **Better Air, Better Health partnership, with Imperial College London and Imperial College Healthcare NHS Trust**, is one example of bringing together the public sector with world-class academics and healthcare professionals to jointly tackle the issue of air pollution in new and exciting ways.
4. Support residents and businesses to adopt **car-sharing and clean vehicles**, utilising our dense electric vehicle charging network. Our **Net Zero 2030 Parking Strategy** will support our promotion of low emission vehicles and encourage active travel across the borough.
5. Reduce building emissions by replacing older boilers with **clean heat networks and heat pumps**, raising residents' and businesses' awareness of this air pollution source and how they may upgrade to **cleaner zero emission heat and power sources**, and using the planning system to regulate the installation of new energy plant.
6. Tackling pollution at schools, as well as journeys to and from, by making local improvements and raising awareness of **cleaner walking routes**. Implementing a rolling programme of **school streets plus projects** across the borough, while also delivering other projects such as **green barriers**, sustainable drainage systems and more around our schools.

Abbreviations

AQAP	Air Quality Action Plan
AQMA	Air Quality Management Area
AQO	Air Quality Objective
BEB	Buildings Emission Benchmark
CAB	Cleaner Air Borough
CAZ	Central Activity Zone
CHP	Combined Heat & Power
EST	Energy Saving Trust
EV	Electric Vehicle
GLA	Greater London Authority
GULCS	Go Ultra Low City Scheme
HGV	Heavy Goods Vehicle
LAEI	London Atmospheric Emissions Inventory
LAQM	Local Air Quality Management
LGV	Light Goods Vehicle
LLAQM	London Local Air Quality Management
NICE	The National Institute for Health and Excellence
NRMM	Non-Road Mobile Machinery
OLEV	Office for Low Emission Vehicles
PM ₁₀	Particulate matter less than 10 micron in diameter
PM _{2.5}	Particulate matter less than 2.5 micron in diameter
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
STARS	Sustainable Travel: Active, Responsible, Safe
TEB	Transport Emissions Benchmark
TfL	Transport for London

Introduction and structure of this Action Plan

This report outlines the actions that Hammersmith & Fulham Council will deliver between 2025-2030 to reduce concentrations of pollution, and exposure to pollution; thereby positively impacting on the health and quality of life of residents and visitors to the borough.

It has been developed in recognition of the legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part and to meet the requirements of the London Local Air Quality Management statutory process¹.

Air pollution is the largest environmental threat to public health in the UK, and up to 36,000 premature deaths each year are attributable to air pollution exposure – that's 20 times more than the number of deaths caused by road traffic collisions. **Hammersmith & Fulham is the tenth worst local authority in England for air pollution** - with **7.4% of deaths in 2022 linked to toxic air**, according to Public Health England².

Air pollution carries a huge cost for our health and social care systems; if strong action isn't taken, this is estimated at approximately £5.4bn by 2035, rising to over £18.5bn when costs for diseases and poor health with less robust evidence are included³.

Finally, air pollution damages the economy through lost productivity and poor health. Defra commissioned research concluded that air pollution costs the UK economy £2.7 billion each year².

The impacts of air pollution are severe and far-reaching, but we're not all affected equally. The risk to our health is a result of our existing health circumstances and the extent to which we are exposed to polluted air. People with health vulnerabilities or increased exposure to air pollution are therefore more likely to experience adverse health outcomes from air pollution. Air pollution also has a disproportionate and inequitable impact upon socio-economically deprived communities and Black, Asian and minority ethnic populations³.

Tackling air pollution is not something we alone can do as a council. While we will take all the action we can, we also need to partner with and lobby for more action by others, and we also need to empower our communities to take action. Our Better Air Better Health partnership with Imperial College London and Imperial College Healthcare NHS Trust is one example of how we will bring together world-class experts to help us tackle

¹ LLAQM Policy and Technical Guidance | <https://www.london.gov.uk/what-we-do/environment/pollution-and-air-quality/working-boroughs>

² Fraction of mortality attributable to particulate air pollution (new method) in H&F | [Fingertips - Public Health Data 2023 | Department of Health and Social Care \(phe.org.uk\)](#)

³ Valuing the impacts of Air Quality on Productivity | Ricardo AEA | [1511251135_140610_Valuing_the_impacts_of_air_quality_on_productivity_Final_Report_3_0.pdf \(defra.gov.uk\)](#)

⁴ Greater London Authority air quality exposure and inequalities study 2023 | [Air Pollution and Inequalities in London - update 2023 | London City Hall](#)

this problem. Encouraging behaviour change is not easy, but we as a council are committed to helping residents, workers and visitors across our borough to breathe cleaner and safer air.

We have the following overarching goals:

- Tackling the sources of pollution that the council can control – for example from our own properties and fleet and through our planning policies, our transport policies, highways works and maintenance.
- Raising residents' and businesses' awareness of what they can do to reduce their own emissions and how to avoid exposing themselves to existing pollution.
- Lobbying the government to make the changes needed to improve air quality across the country.
- Working with the GLA and TfL to make the improvements needed to reduce pollution in the borough and across London.

To achieve this, we have the following priorities:

- Provide the necessary infrastructure to enable more **active travel**, such as **walking, wheeling, and cycling**.
- The development of **Clean Air Neighbourhood projects**, including tree planting, sustainable drainage systems and traffic and pollution reduction measures, where supported by residents.
- Working collaboratively with our partners and stakeholders on innovative policies and projects. Our **Better Air, Better Health partnership**, with Imperial College London and Imperial College Healthcare NHS Trust, is one example of bringing together the public sector with world-class academics and healthcare professionals to jointly tackle the issue of air pollution in new and exciting ways.
- Support residents and businesses to adopt car-sharing and cleaner vehicles, utilising our dense electric vehicle charging network. Our **Net Zero 2030 Parking Strategy** will support our promotion of low emission vehicles and encourage active travel across the borough.
- Reduce building emissions by replacing older gas boilers with **clean heat networks and heat pumps**, raising residents' and businesses' awareness of this air pollution source and how they may upgrade to cleaner heat and power sources, and **using the planning system to regulate the installation of new energy plant**.
- Tackling **pollution at schools**, as well as journeys to and from our schools, by making local improvements and **raising awareness of cleaner walking routes**. Implementing a **rolling programme of school streets projects across the**

borough, while also delivering other projects such as green barriers, sustainable drainage systems and more around our schools.

We have developed actions that can be considered under seven broad topics:

- **Monitoring and other core statutory duties:** maintaining monitoring networks is critical for understanding where pollution is most acute, and what measures are effective to reduce pollution. There are also several other very important statutory duties undertaken by boroughs, which form the basis of action to improve pollution.
- **Localised solutions:** where supported by residents, these seek to promote healthy living and improved air quality through Clean Air Neighbourhood measures including: traffic and pollution reduction trials, sustainable drainage systems, tree planting, school streets initiatives and improved infrastructure for walking and cycling;
- **Emissions from developments and buildings:** it is modelled that emissions from buildings will soon overtake transport emissions as the single biggest source of NOX emissions in the borough. Tackling emissions from buildings also results in co-benefits to our work reducing carbon emissions across H&F.
- **Public health and awareness raising:** increasing awareness can drive behavioural change to lower emissions as well as to reduce exposure to air pollution. This is a key driver of our Better Air Better Health partnership with academic and NHS experts.
- **Delivery servicing and freight:** vehicles delivering goods and services are usually light and heavy-duty diesel-fuelled vehicles with high primary NO₂ emissions.
- **Borough fleet actions:** our fleet includes light and heavy-duty diesel-fuelled vehicles such as minibuses and refuse collection vehicles with high primary NO₂ emissions. Tackling our own fleet means we will be leading by example.
- **Cleaner transport:** road transport is the main source of air pollution in London. We need to incentivise a change to walking, cycling and ultra-low emission vehicles (such as electric) as far as possible.

Our priorities are to tackle the sources of emissions that the council has control over, raising public awareness of air pollution, and lobbying the government to make the necessary widespread changes needed to improve air quality.

You will see in this report that we have worked hard to engage with stakeholders and communities which can make a difference to air quality in the borough. We would like to thank all those who have worked with us in the past and we look forward to working

with you again as well with new partners as we deliver this new action plan over the coming years.

In this AQAP we outline how we plan to effectively use local levers to tackle air quality issues within our control.

However, we recognise that there are many air quality policy areas that are outside of our influence (such as Euro vehicle standards, national vehicle taxation policy, taxis and buses), and so we will continue to work with and lobby regional and central government on policies and issues beyond Hammersmith & Fulham council influence.

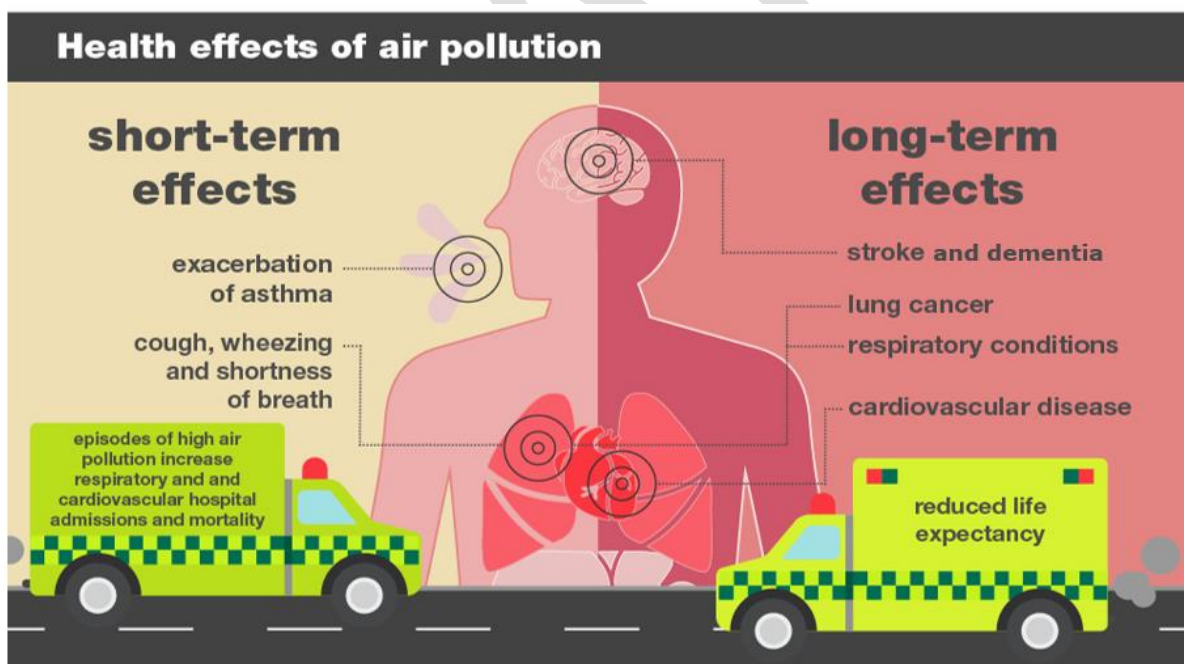
Structure of the Hammersmith & Fulham Air Quality Action Plan 2025-30
Chapter 1: Air Quality in Context
Why we have introduced this new Action Plan. This includes a section of the impacts of air pollution on health, our statutory duties on air quality, and the links between air quality and our other crucial work on climate change and ecology.
Chapter 2: Air Quality in Hammersmith & Fulham
Where pollution in Hammersmith & Fulham comes from, how it has changed over time, and how we monitor, measure and model air pollution in the borough.
Chapter 3: What we have achieved so far
A summary of some of the achievements and successes in improving air quality in the borough over the last five years.
Chapter 4: The next five years – the Action Plan Matrix
The actions, outcomes, policies and projects that we are committing to undertaking during the lifetime of this Action Plan to help improve the health and wellbeing of everyone who lives in, works in, or visits Hammersmith & Fulham.
Chapter 5: Further information
More information and links to further reading and guidance on this topic. This includes a summary of actions you can take right now if you are a resident, business or school.

1. Air Quality in context

Air Pollution and Health

Air pollution is associated with many **adverse health impacts**, both short term and long-term effects as shown in Figure 1 below. Air pollution is recognised as a **contributing factor** in the onset of **heart disease and cancer**. Additionally, air pollution is increasingly being linked to a huge variety of other adverse health impacts, from brain diseases to stress and mental health issues.

Figure 1: Health Impacts of Air Pollution



(Adapted from UK Health Security Agency, 2023)

Air pollution and inequalities

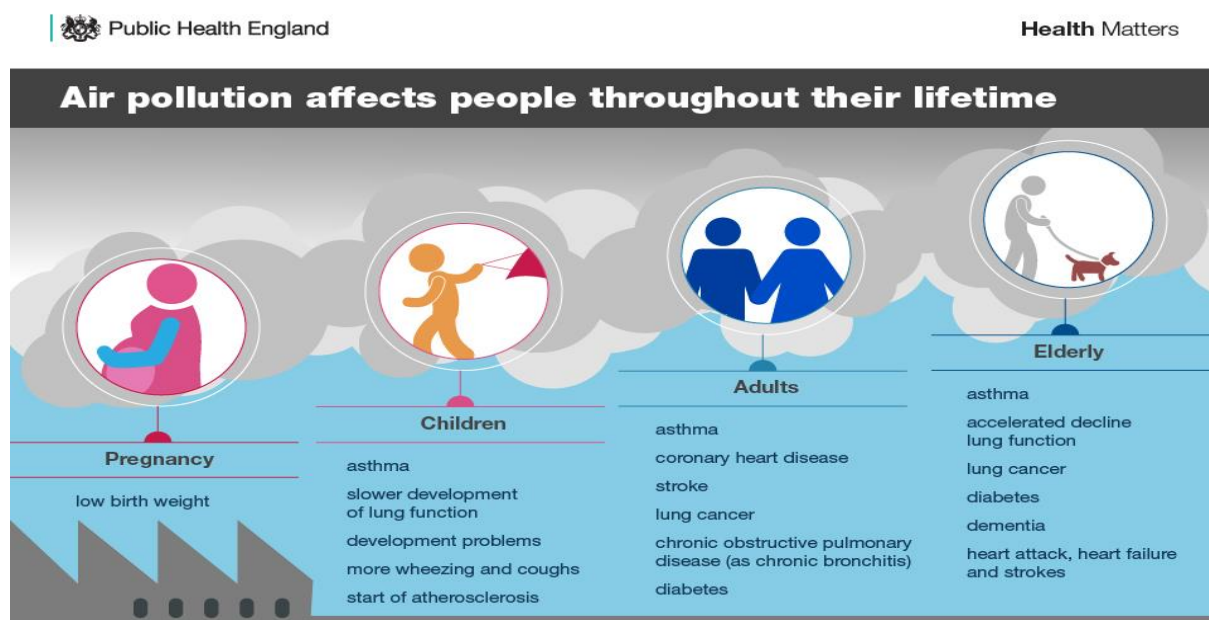
Air pollution does not affect everyone equally. Although we are all at risk, some groups are exposed to higher levels of air pollution and others are more vulnerable to the health damage from pollution exposure. In this way, air pollution has an inequitable health burden.

Air pollution particularly affects the most vulnerable in society: **children** and **older people**, and **those with heart and lung conditions**.

There is also often a strong correlation with equalities issues because areas with poor air quality are also often the less affluent areas⁴. Air pollution also has a disproportionate and inequitable impact upon socio-economically deprived communities and Black, Asian and minority ethnic populations. Data from the Mayor of London shows that Black, Asian and minority ethnic populations are exposed to higher NOx concentrations⁵.

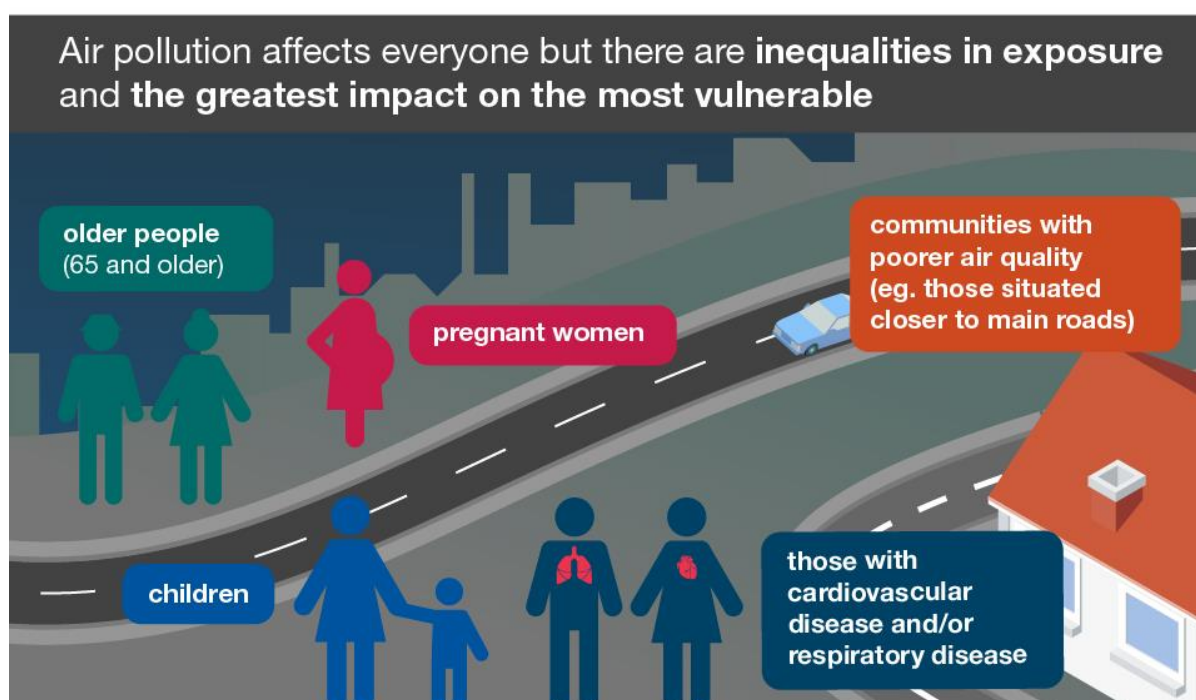
The Royal College of Paediatrics and Child Health published a Position Statement on Air Pollution in the UK in September 2024. It confirmed that children are especially vulnerable to air pollution because they inhale more air than adults in proportion to their body weight, breathe closer to ground-level sources of air pollution such as vehicle exhausts, and are less able to control their exposure than adults.

Figures 2 & 3 – Additional health impacts of air pollution



⁴ Air Pollution and Inequalities in London – update 2023 | GLA

⁵ Ibid.



(Adapted from UK Health Security Agency, 2023)

Poor air quality has a significant negative impact on human health and a 2019 Imperial College London report “London Health Burden of Current Air Pollution and Future Health Benefits of Mayoral Air Quality Policies” shows an estimated 82 deaths to be attributable to air pollution in the borough in 2019. In 2019 in Greater London, the equivalent of between 3,600 and 4,100 deaths were estimated to be attributable to human made PM_{2.5} and NO₂.

Public Health England has identified the fraction of all-cause adult mortality attributable to PM_{2.5} as one of its key indicators within the Public Health Outcomes Framework which in Hammersmith and Fulham 7.4% based on 2022 values (down from 7.9% in 2010). This makes our borough the tenth worst local authority in England for air pollution.

Air pollution carries a huge cost for our health and social care systems; if strong action isn’t taken, this is estimated at approximately £5.4bn by 2035, rising to over £18.5bn when costs for diseases and poor health with less robust evidence are included³.

Finally, air pollution damages the economy through lost productivity and poor health. Defra commissioned research concluded that air pollution costs the UK economy £2.7 billion each year⁶.

The huge adverse health impacts of pollution across H&F make it vitally important that we work closely with our partners in the NHS. The Better Air Better Health collaboration, bringing together the council with Imperial College London and the

³Valuing the impacts of Air Quality on Productivity | Ricardo AEA | [1511251135_140610_Valuing the impacts of air quality on productivity Final Report 3 0.pdf](https://www.defra.gov.uk/publications/default.aspx?publication=1511251135_140610_Valuing_the_impacts_of_air_quality_on_productivity_Final_Report_3_0.pdf) (defra.gov.uk)

Imperial College Healthcare NHS Trust, will be a crucial tool for us moving forward. Bringing together academic and clinical expertise will help us to target our projects and policies to have the maximum impact on improving health and wellbeing across H&F and beyond.

Air Pollution and Climate Change

Air Quality and **Climate Change** are key priorities for the council, as well as being some of the important issues of our time globally. Many of the actions we can take to improve air quality will also have carbon benefits, and vice versa. As a result, it is important for the Council to integrate our air quality and climate policies, to maximise the benefits of our work. This is true not only for air quality and carbon emissions, but also for other environmental challenges we are facing, such as biodiversity, waste management, and noise pollution.

As well as our statutory responsibilities for air quality, Hammersmith & Fulham Council are also tackling the climate and ecological emergency by working towards net zero greenhouse gas emissions by 2030 for the borough. You can find out more about our work in this area in our Climate and Ecology Strategy, published in 2021.

This section provides a summary of the synergies between air quality and other environmental issues⁷.

Key interactions between air quality and climate change:

Air pollution and greenhouse gas emissions often come from the same source: emissions from road transport, energy and heat generation and domestic solid fuel burning are some of the most common sources that contribute to both climate change and air pollution. This is the key reason that policies and action on air pollution or climate change will often have a positive impact on each other.

Climate change may make air pollution worse: hotter, drier summers can lead to increased ozone emissions, which have been steadily increasing in London for several years.

Air pollution contributes to climate change: as well as pollutants that impact the climate (such as black carbon, ozone, and methane), air pollution can also affect atmospheric processes such as cloud formation, as well as having negative impacts on water quality, soil fertility, and other measures that indirectly impact climate.

Improvements in local air quality can be felt almost immediately and almost entirely in the area where they are introduced. These impacts are also measurable: the benefits can be felt almost straightaway as having a positive impact on people's lives. In contrast, the benefits of local measures to reduce greenhouse gas emissions are not necessarily tangible immediately and locally. This means that measures that address both air quality and climate change have immediate local and long-term global benefits.

⁷ Integrating Action on Air Quality & Climate Change: A Guide for Local Authorities, Version 1, September 2024 | Environmental Policy Implementation Committee

Air Pollution and other environmental priorities

Biodiversity

Air pollution adversely affects our biodiversity and nature within the borough. Pollution can cause acidification and nutrient damage to our natural environment, and ozone pollution will directly harm plants and other vegetation. Taking strong action on biodiversity and ecology will have benefits for air pollution: many types of plants and vegetation have direct air quality benefits, and open spaces and vegetation can act as barriers between sources of pollution and the general public. There are also indirect benefits: having high quality green open spaces that people spend time in and travel through will reduce their exposure to harmful roadside pollution.

Noise

High levels of noise are associated with poor health, including stress and sleep disturbance. Some measures taken to improve air quality and climate change also reduce noise, such as reducing the number of vehicles on the road and using cleaner, quieter technologies such as electric or hybrid vehicles. Areas of noise pollution often overlap with areas with poor air quality, so effective action may improve both.

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2. Summary of current air quality in Hammersmith & Fulham

National air quality objectives

The UK Air Quality Strategy (AQS), released in 2019, provides the overarching strategic framework for air quality management in the UK and contains national air quality standards and objectives established by the Government to protect human health.

Hammersmith & Fulham Council is meeting all the national AQS objectives other than for the gas Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). Hammersmith & Fulham Council also meets the current objectives for Particulate Matter (PM_{2.5}). However, in 2022 the government set additional environmental targets for fine particulate matter which state that by the end of the 31st of December 2040, the annual mean level of PM_{2.5} in ambient air must be equal to or less than 10 µg/m³. In 2022 Hammersmith & Fulham met this target at its monitoring station at Hammersmith Town Centre but exceeded it at its monitoring station at Shepherds Bush.

World Health Organisation Air Quality Guideline Values

These are another set of stricter limit values for air pollutants, developed to help countries achieve air quality that will offer greater protection of public health. These are updated regularly to reflect evidence from new health studies.

Hammersmith & Fulham Council are proud to have committed to meeting the World Health Organisation (WHO) health-based guidelines for air pollution as quickly as possible.

The most recent WHO air quality guidelines were published in 2021 and are compared below to national objectives. The guidelines are compared to concentrations measured at two of the six council automatic monitoring stations. A further four monitoring stations were installed in 2023 for which first data will be published in our next annual status report.

Table 1.1 Current borough pollution levels compared to national air quality objectives and WHO guidelines

Pollutant	Air Quality Objective (Annual Mean) ug/m ⁻³	WHO 2021 Air Quality Guideline ug/m ⁻³	Shepherds Bush Town Centre (HF4)		Hammersmith Town Centre (HF5)	
			2019	2023	2019	2023
NO ₂	40	10	60	36	52	40
PM ₁₀	40	15	25	22	22	17
PM _{2.5}	10 *	5	-	10	15	9

* annual mean **concentration target** (AMCT) from Environment Act 2021- by the end of 31st December 2040 the annual mean level of PM_{2.5} in ambient air must be equal to or less than 10 µg/m³
Note- covid years 2020 and 2021 not shown as these concentrations would be less representative.

Hammersmith and Fulham Target

The council is committed to improving air quality and protecting human health and has set an ambitious target to meet **annual mean World Health Organisation Air Quality Guideline Values (2021) by 2030**.

National legal limits on emissions

In addition to the concentration limits we will work towards meeting in the borough, there are national limits for five man-made pollutants, stated in the Environmental Improvement plan 2023. The target for nitrogen oxides is a 73% reduction in emissions by 2030 relative to levels in 2005. This action taken at a national level will also help to reduce people's exposure to air pollution.

Figure 4 Modelled map of annual mean NO₂ concentrations (from the LAEI 2019)

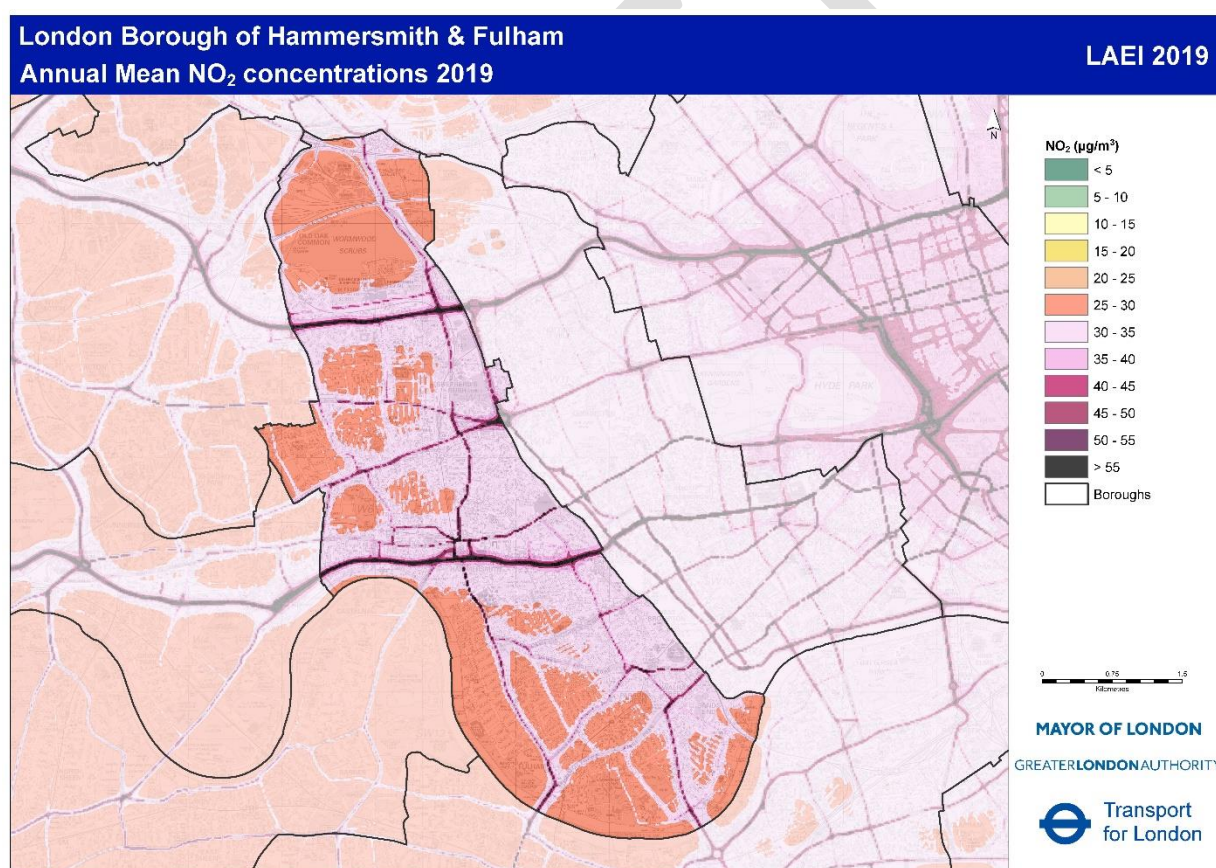


Figure 4 shows the modelled map of annual mean NO₂ concentrations across the borough. This visualisation clearly indicates the significant role road traffic plays in NO₂ concentrations, as the highest concentrations, over 50 µg/m³, are all centred around roads. Amongst these roads, the highest concentrations appear along the A40 Westway in the north of the borough, and the A4 Great West Road in the middle of the borough, as these are the main arterial routes that connect to borough to Hounslow, Ealing and Kensington & Chelsea.

Our action plan looks to reduce these concentrations and their harmful effects by encouraging cleaner modes of transport around the borough including public

transportation, cycling and walking, as well as actions targeted at raising public awareness, improving the borough’s own fleet and other localised solutions such as Clean Air Neighbourhoods.

Figure 5 Modelled map of annual mean PM₁₀ (from the LAEI 2019)

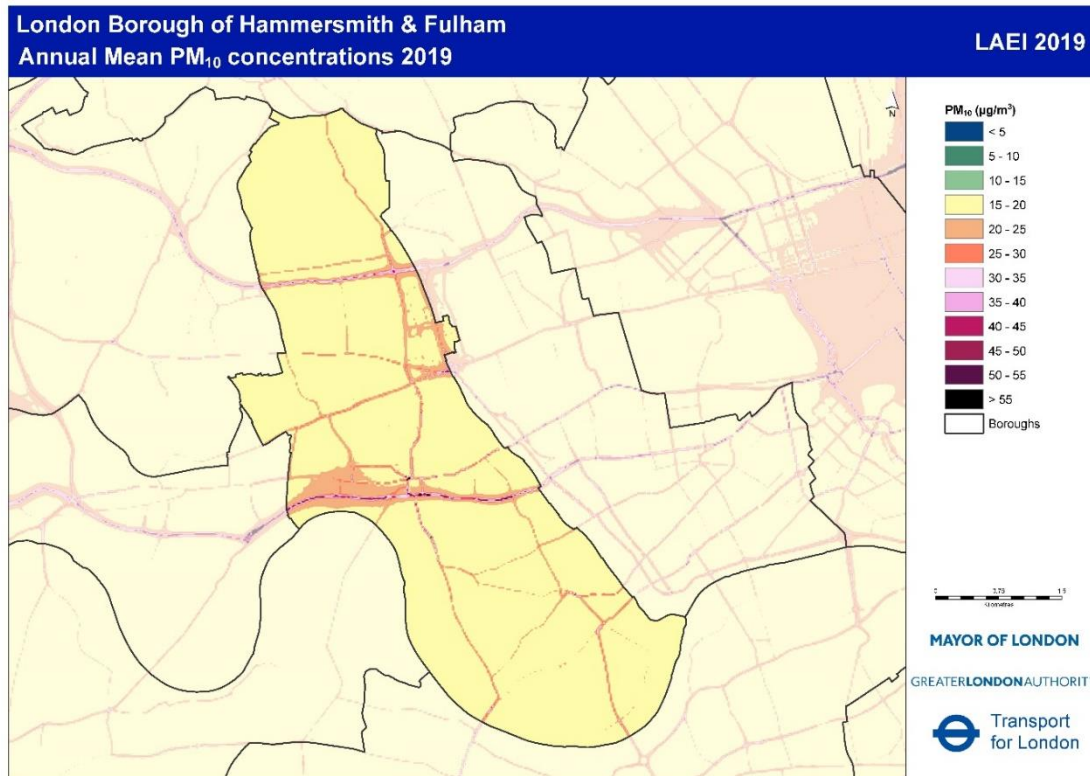


Figure 5 shows the modelled annual mean concentrations of PM₁₀ in the borough. As with NO₂, these concentrations are largely centred around the main traffic routes within the borough, with notably large concentrations along the A40 Westway, the Shepherds Bush Green intersection, and the A4 Great West Road.

Figure 6 Modelled map of annual mean PM_{2.5} (from the LAEI 2019)

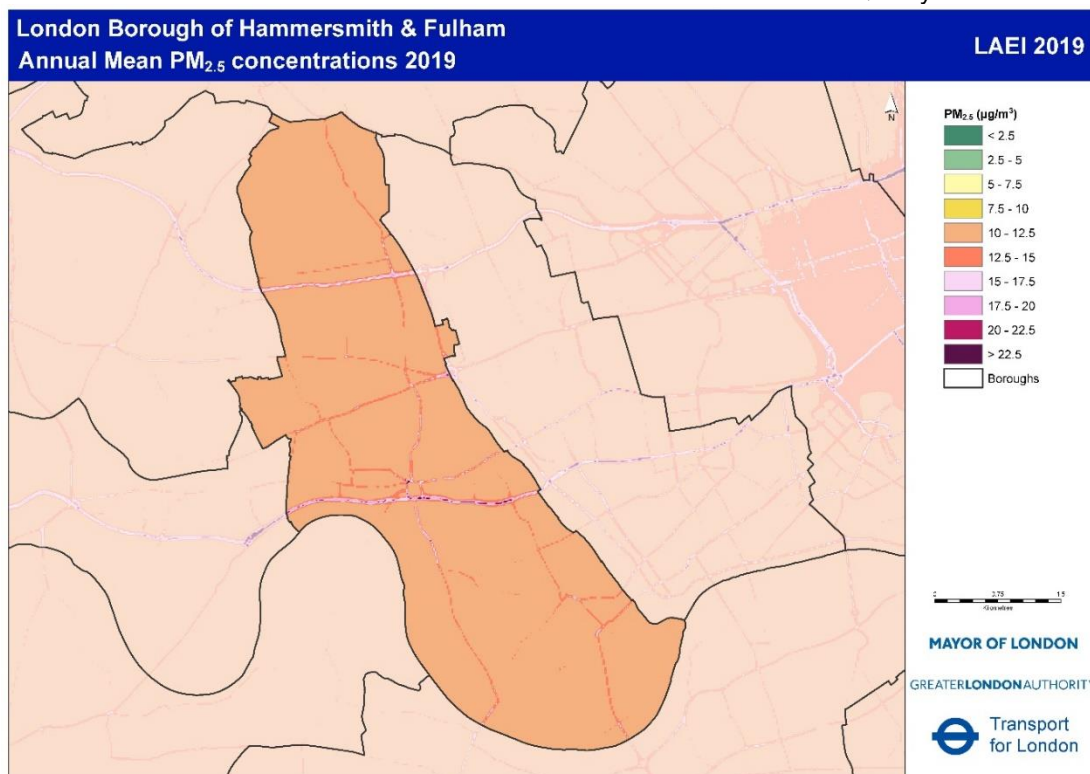


Figure 6 shows the modelled map of PM_{2.5} concentrations across the borough. As with PM₁₀, the highest concentrations of PM_{2.5} are all centred around the main roads within the borough, with the highest concentrations appearing along the A40 Westway and the A4 Great West Road.

2.1 AQMAs and Focus areas

A whole-borough Air Quality Management Area (AQMA) has been declared for Hammersmith & Fulham.

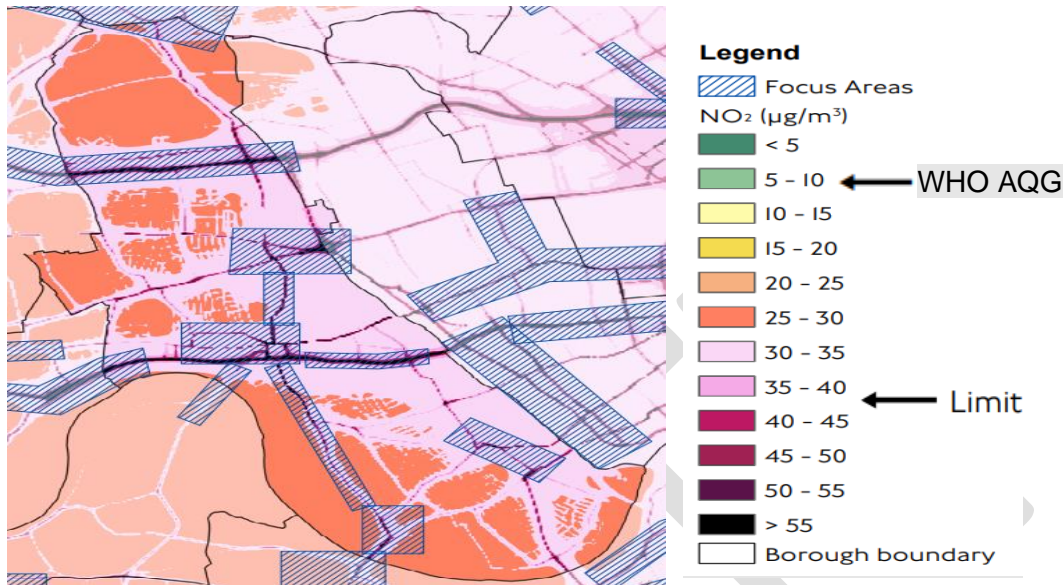
The AQMA has been declared for the following pollutants: Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). In respect to Nitrogen Dioxide, this is because we are failing to meet the national air quality objectives for this pollutant at some of our monitoring stations and modelling indicates it is being breached at a number of other locations. In respect to Particulate Matter (PM₁₀) we are meeting the national air quality objective for annual mean but have exceeded the 24 hour mean in 2021 and 2022.

We are also exceeding the World Health Organisation air quality guideline for this pollutant, and we have a formal responsibility to work towards reductions of PM_{2.5}, which is a fraction of PM₁₀. Concentrations of PM_{2.5} are at or above the new annual mean concentration target for PM_{2.5} of 10 µg/m³ across England by 2040. PM_{2.5} concentrations also exceed the World Health Organisation air quality guideline for this pollutant.

An Air Quality Focus Area (AQFA) is a location that has been identified and set by the GLA as having high levels of pollution and human exposure.

There are seven focus areas in the borough: A4 West Cromwell Road, A213 Fulham Palace Road from Hammersmith Flyover to junction of Lillie Road, Fulham Town Centre and Harwood Road area, Hammersmith Town Centre, Holland Park Uxbridge Road/Shepherd's Bush Road/Bush Green/Holland Road, Putney Bridge, A219 Shepherds Bush Road, and the junction with Fulham Road/New Kings Road/Fulham Palace Road.

Figure 7 Air Quality Focus Areas in Hammersmith & Fulham



2.2 Sources of Pollution in Hammersmith & Fulham

Pollution in Hammersmith & Fulham comes from a variety of sources. This includes sources outside of the borough, and in the case of Particulate Matter (PM₁₀, PM_{2.5}), a significant proportion of this comes from outside of London and even outside the UK.

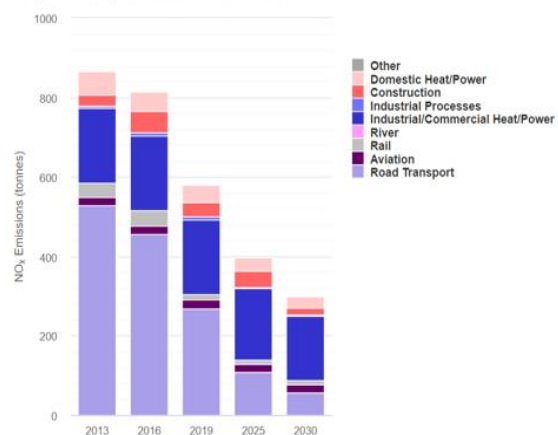
Of the pollution that originates in the borough the main sources of Nitrogen Oxides (NO_x), including Nitrogen Dioxide (NO₂), are road transport including diesel vehicles and combustion-based energy plants such as Combined Heat and Power (CHP), gas boilers, and emergency diesel generators. The main sources of particulate matter are Domestic Woodburning and on and off-road transport such as diesel vehicles and Non-Road Mobile Machinery (NRMM).

Data is available from the London Atmospheric Emissions Inventory which provides data gathered in 2013, 2016, and 2019 and modelled for 2025 and 2030 based on current predictions and technology.

Figure 8 NO_x Emissions by source (from the LAEI 2019)

LAEI - Emissions Trend by Source

NO_x Emissions, Hammersmith and Fulham



Emissions (Tonnes) from	2013	2016	2019	2025	2030
Road Transport	529	457	269	109	58
Aviation	20	20	22	21	20
Rail	36	38	13	9	9
River	0	0	0	0	0
Industrial/Commercial Heat/Power	189	189	188	181	163
Industrial Processes	5	6	6	3	3
Construction	28	54	37	42	19
Domestic Heat/Power	60	49	44	32	28
Other	1	1	1	1	1
Total	867	814	580	397	299

Note

This summary dashboard is based on the London Atmospheric Emissions Inventory 2019. The charts show emissions from each air pollution source stacked on top of one another, with the total stack height equalling total emissions from all sources across the borough. The numbers in the table are those used to plot the graph and represent, for each year, the amount of pollutant emitted into the atmosphere (in tonnes/year).

- Industrial Processes: includes emissions from Part A1, A2/B processes, and Non-Road Mobile Machinery (NRMM) exhaust on industrial sites.
- Construction: includes emissions from construction dust (PM) and NRMM exhaust on construction sites.

Figure 8 shows that for sources of NO_x within Hammersmith & Fulham (as represented by the most recent data from 2019) the largest contributor is currently Road Transport, followed by Industrial, Commercial Heat and Power as the second largest source. However, while Road Transport emissions of NO_x are projected to decline by approximately 78% between 2019-2030, Industrial emissions of NO_x are projected to remain relatively stagnant over the same period with a decline of approximately 13%.

By 2025, Industrial/Commercial Heat and Power sources are projected to be the largest sources of NO_x emissions in Hammersmith & Fulham by a significant proportion.

Figure 9 NO_x Emissions by vehicle type (from the LAEI 2019)

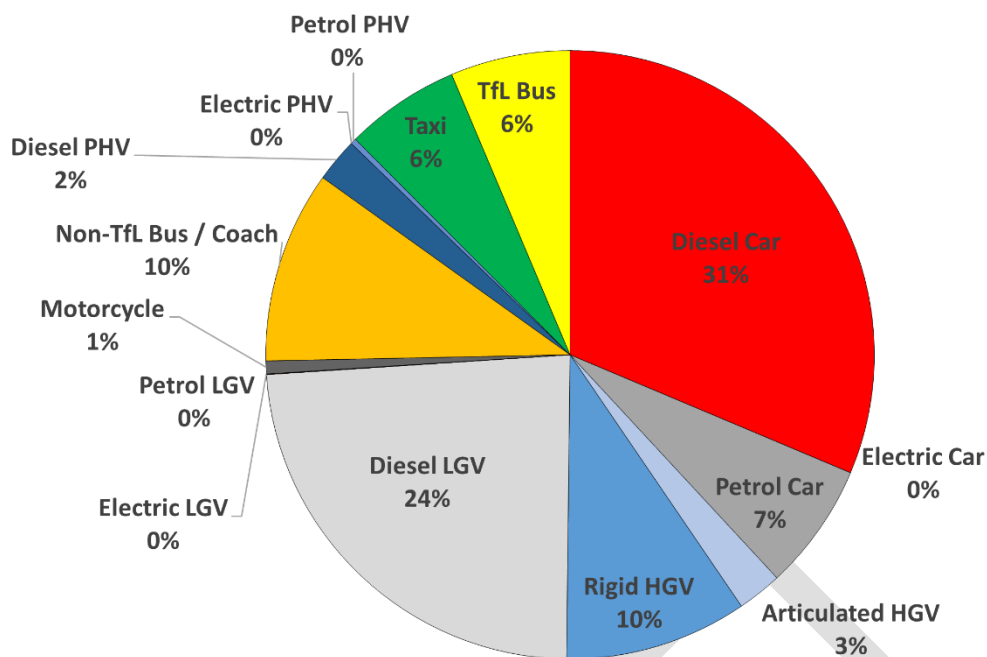
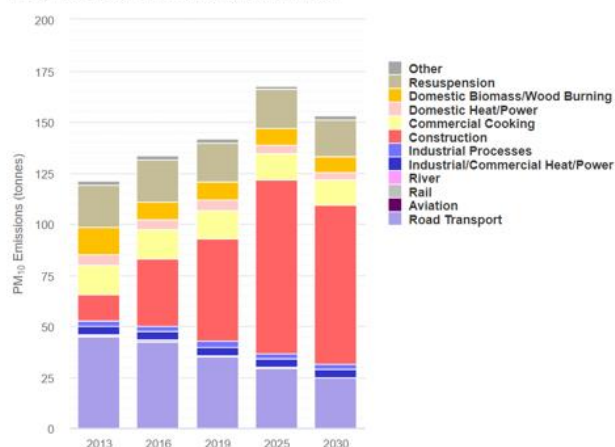


Figure 9 illustrates that 31% of NO_x vehicle emissions comes from diesel cars. This contrasts with 7% from petrol cars, despite the fact there are fewer diesel cars than petrol cars in London. Together, diesel cars and diesel LGVs account for over half of all vehicle NO_x emissions within the borough.

Figure 10 PM₁₀ Emissions by source (from the LAEI 2019)

LAEI - Emissions Trend by Source

PM₁₀ Emissions, Hammersmith and Fulham



Emissions (Tonnes) from	2013	2016	2019	2025	2030
Road Transport	45	42	35	29	25
Aviation	0	0	0	0	0
Rail	1	1	0	0	0
River	0	0	0	0	0
Industrial/Commercial Heat/Power	4	4	4	4	4
Industrial Processes	3	3	3	2	2
Construction	13	33	50	85	78
Commercial Cooking	14	14	14	13	12
Domestic Heat/Power	5	5	5	4	4
Domestic Biomass/Wood Burning	14	9	9	8	8
Resuspension	20	21	19	19	18
Other	2	2	2	2	2
Total	121	133	142	167	153

Note

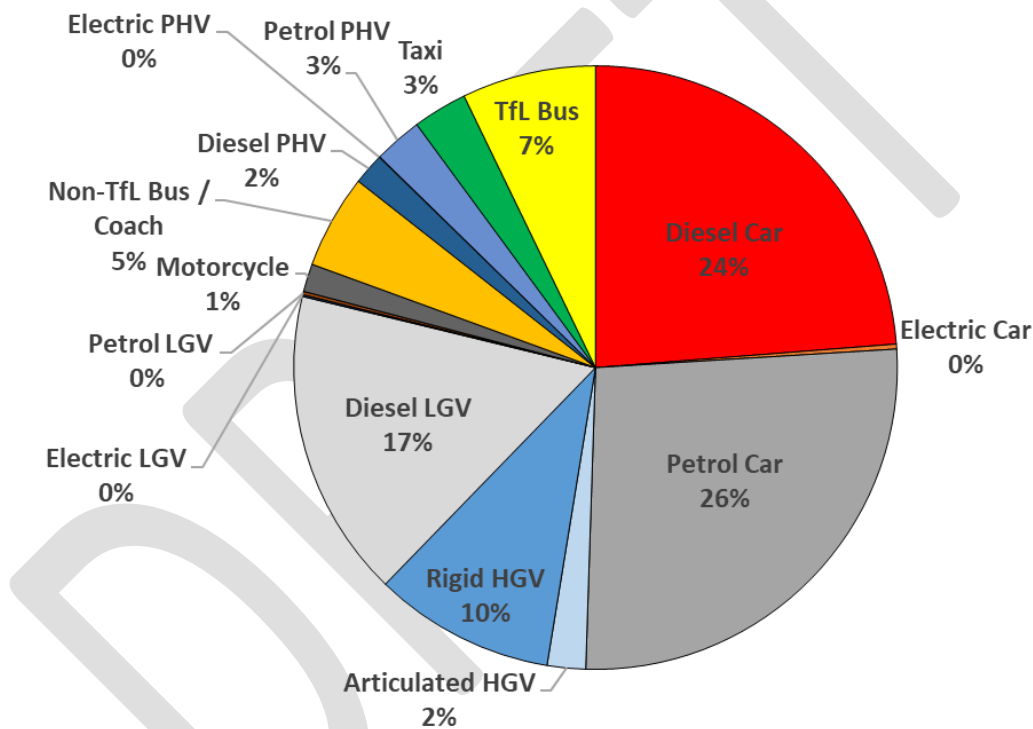
This summary dashboard is based on the London Atmospheric Emissions Inventory 2019. The charts show emissions from each air pollution source stacked on top of one another, with the total stack height equalling total emissions from all sources across the borough. The numbers in the table are those used to plot the graph and represent, for each year, the amount of pollutant emitted into the atmosphere (in tonnes/year).

- Industrial Processes: includes emissions from Part A1, A2/B processes, and Non-Road Mobile Machinery (NRMM) exhaust on industrial sites.
- Construction: includes emissions from construction dust (PM) and NRMM exhaust on construction sites.

The sources of PM₁₀ within Hammersmith & Fulham are shown in Figure 10 where the most recent data (LAEI 2019) indicates that the largest contributor is Construction followed by Road Transport. Where Road Transport is projected to decline by around 29% between 2019-2030, Construction sources are projected to increase by approximately 56% over the same period and will remain the largest source of PM₁₀ emissions in the borough.

Hammersmith & Fulham currently has numerous large-scale developments underway within the borough, including the Earl’s Court re-development scheme. These projects will inevitably contribute to PM levels within the borough. To tackle the impact of these projects, the council has included several actions points to tackle dust from construction sites and to reduce the emissions from Non-Road Mobile Machinery.

Figure 11 PM₁₀ Emissions by vehicle type (from the LAEI 2019)



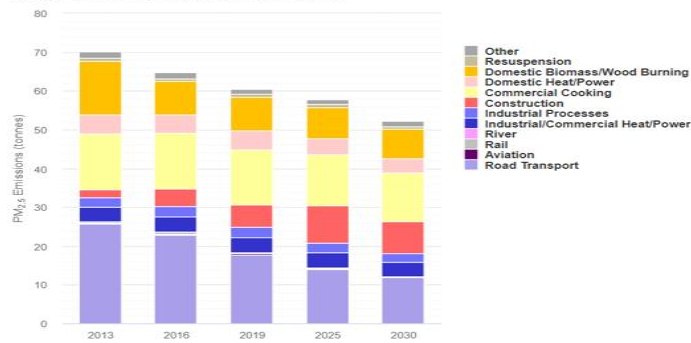
Splitting the road transport PM₁₀ emissions, the greatest contributor to road transport PM₁₀ are petrol cars (26 %) followed by diesel cars (24%) as shown in Figure 11. PM₁₀ emissions are greater because there are more petrol cars than diesel cars. According to 2021 data from TfL, on any given day approximately 66% of cars traveling around the ULEZ were petrol, whereas only 23% were diesel. Despite there being nearly three times as many petrol cars than diesel in London, figure 11 shows diesel vehicles account for roughly the same amount of Hammersmith & Fulham’s PM₁₀ emissions.

Road transport PM₁₀ emissions are generated from exhaust gases and from tyre and brake wear. In the London Borough of Hammersmith and Fulham 24% of road transport PM₁₀ emissions originate from the exhaust whereas 76% are generated from tyre and brake wear.

Figure 12 PM_{2.5} emissions by source and vehicle type (from the LAEI 2019)

LAEI - Emissions Trend by Source

PM_{2.5} Emissions, Hammersmith and Fulham



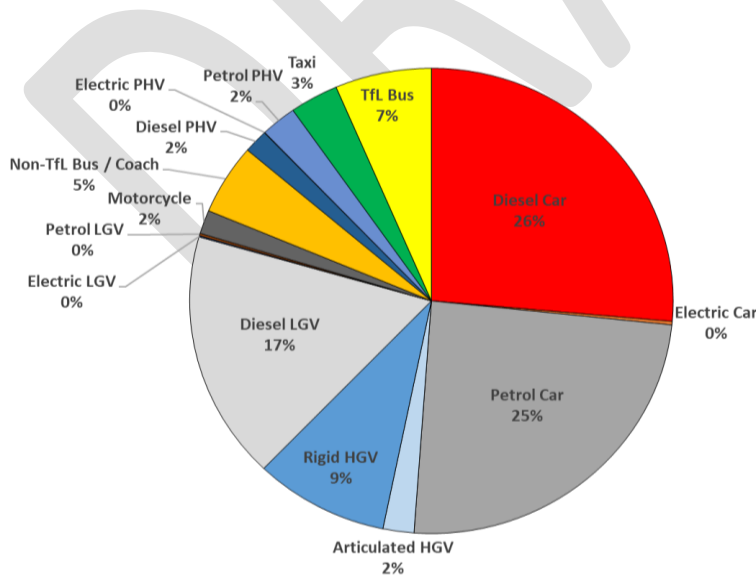
Emissions (Tonnes) from	2013	2016	2019	2025	2030
Road Transport	26	23	18	14	12
Aviation	0	0	0	0	0
Rail	0	0	0	0	0
River	0	0	0	0	0
Industrial/Commercial Heat/Power	4	4	4	4	4
Industrial Processes	3	3	3	2	2
Construction	2	5	6	10	8
Commercial Cooking	14	14	14	13	12
Domestic Heat/Power	5	5	5	4	4
Domestic Biomass/Wood Burning	14	9	9	8	8
Resuspension	1	1	1	1	1
Other	2	2	1	1	1
Total	70	65	60	58	52

Note

This summary dashboard is based on the London Atmospheric Emissions Inventory 2019. The charts show emissions from each air pollution source stacked on top of one another, with the total stack height equalling total emissions from all sources across the borough. The numbers in the table are those used to plot the graph and represent, for each year, the amount of pollutant emitted into the atmosphere (in tonnes/year).
 - Industrial Processes: includes emissions from Part A1, A2/B processes, and Non-Road Mobile Machinery (NRMM) exhaust on industrial sites.
 - Construction: includes emissions from construction dust (PM) and NRMM exhaust on construction sites.

The sources of PM_{2.5} within Hammersmith & Fulham are varied as shown in the most recent data (LAEI 2019) displayed in Figure 12. The largest current contributor is Road Transport, followed by Commercial Cooking as the second largest source and Domestic burning of solid fuel such as wood. However, between 2019-2030 Road Transport emissions of PM_{2.5} are projected to decline by approximately 33%, whereas Commercial Cooking is expected to decrease by only 14%. By 2030 Road Transport and Commercial Cooking are expected to account for roughly the same quantity of PM_{2.5} emissions in the borough.

Figure 13 Road Transport PM_{2.5} Emissions per vehicle type (from the LAEI 2019)



Splitting the road transport PM_{2.5} emissions in Figure 13, the greatest contributor to road transport PM_{2.5} are diesel cars (26 %) followed by petrol cars (25%), despite there being fewer diesel cars than petrol cars in London.

Road transport PM_{2.5} emissions are generated from exhaust gases and from tyre and brake wear. In Hammersmith & Fulham 40% of road transport PM_{2.5} emissions originate from the exhaust whereas 60% are generated from tyre and brake wear.

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3. Our achievements and progress so far

This Action Plan builds on a range of work the Council has already taken to improve air quality across the borough. This section provides a summary of some of the work we have taken over the lifetime of our previous Air Quality Action Plan.

Highlights of successful projects we have already delivered include:

- The council declared a Climate emergency in 2019 and pledged to reduce council emissions of carbon dioxide to net zero by 2030. Our Climate and Ecology Strategy 2030 was produced in 2021, [H&F Climate and Ecology Strategy \(lbhf.gov.uk\)](https://www.lbhf.gov.uk).
- The council has committed to improving air quality and protecting human health and has set an ambitious target to meet World Health Organisation Air Quality Guidelines (2021) by 2030.
- We have introduced two Clean Air Neighbourhood projects in South Fulham. The first, to the east of Wandsworth Bridge Road, was launched in July 2020 and made permanent in December 2021. The second, to the streets to the west of Wandsworth Bridge Road, was launched in December 2022 and is currently in trial phase. Together these projects have seen 15,000 fewer cars a day using residential streets with an estimated reduction of 1.35kg daily of nitrogen oxide (NO₂).
- The council in September 2024 introduced School Street Plus Active Travel Trial Schemes outside the main student entrances of Wendell Park Primary School (Cobbold Road), Sir John Lillie Primary School (Delaford Street), and in November 2024 at Holy Cross R.C. Primary School (Basuto Road). Parts of these three streets during peak drop-off and pick-up times will be closed to motorists from 8 am to 9.30 am and 2.30 pm to 4 pm on school days only.

Alongside the temporary road closures, a range of public realm improvements including tree planting and better infrastructure for walking and cycling will make the wider area greener and cleaner.

- The Council has been successful in implementing one of the densest network of EVCPs in London. At the time of writing, there were over 2,600 EVCPs installed, with more phases to come, despite the Borough being the second smallest in London. The network includes a range of charging speeds from slow lamp column chargers to rapids. The Borough also has two charging hubs.
- We launched the zero-emission delivery scheme 'Parcels not pollution' cargo bike service in the borough in 2021 with funding from a TfL grant. In 2022 we expanded this scheme together with MP Smarter Travel to encourage local businesses to adopt e-cargo bikes. So far, 131 local businesses have engaged with the scheme, with nine complete conversions from cars/vans to e-cargo bikes.
- In 2022 the council completed the Cycleway 9 (C9), an upgrade on the temporary cycle lanes introduced under Covid guidelines. The scheme was made permanent from Goldhawk Road in the west, to Hammersmith Road in the east

and continues to Olympia with wands. The total length of the cycleway is 2,721 metres.

- In 2023 the council installed four new air quality monitoring stations at Fulham Town Centre, and in the Riverwalk, Sands End and Wormwood Scrubs wards. The council now has a total of six air quality monitoring stations including at Hammersmith Town Centre that contain reference grade analysers that measure the air pollutants nitrogen dioxide, particulate matter (PM2.5 and PM10) and Ozone. Equipment at the Shepherds Bush monitoring station was upgraded in 2021 and now includes monitoring of PM2.5.
- We have increased the number of monitoring locations in our Nitrogen Dioxide (NO₂) Diffusion Tube air quality network from 15 in 2016 to 56 in 2022 across the borough focusing on monitoring near schools. Our Diffusion Tubes are changed monthly using the council's Parcels not Pollution scheme to make collection zero-emission since 2020.
- The council has supported the placement of 60 Air Quality sensors across the borough as part of the Breathe London Air Quality Sensor Network. We have placed 47 these Air Quality Sensors near the student entrances of Primary, Nursery and Secondary Schools across Hammersmith & Fulham. These locations were selected to monitor the concentrations of the health impacting air pollutants Nitrogen dioxide (NO₂) and Particulates (PM2.5) near to Schools.
- The council introduced emissions-based pay and display parking charges for sessional parking in on-street Pay & Display bays in March 2021, and the council's Net Zero 2030 Parking Strategy will introduce a number of emissions-based parking categories for parking permits, visitors and Pay & Display.
- Hammersmith & Fulham is one of only 10 London boroughs to have launched a rental e-scooter scheme since 2021, which is currently the only legal way to use an electric scooter.
- The new Climate Change supplementary planning document (SPD) was formally adopted by the council in October 2023. This includes chapters on Transport and Air Quality issues and highlights measures that can be implemented to mitigate air pollutants and climate change gases such Carbon Dioxide (CO₂). Other place-based policies such as the Hammersmith Town Centre SPD 2024 also include commitments on air quality.
- The council secured Defra funding and developed a website to control emissions from construction sites more effectively in 2023.
- We worked closely with the Hammersmith Business Improvement District (BID), Fulham Business Improvement District (BID) and Shepherds Bush Business Forum on Clean Air Villages (1-4) as a member of the Cross River Partnership (CRP) led project (supported by MAQF and Defra funding). This included free-to-use electric vans located in Fulham and Shepherds Bush for small businesses in H&F from 2021 as a member of the Cross River partnership led Clean Air Villages Project (supported by MAQF and Defra funding). The council together with Old Oak and Park Royale Development Corporation (OPDC), partnered with the Park Royal Business Group and Zipcar to offer businesses in Park Royal the

opportunity to hire two electric vans for free from 2022.

- In May 2023 as part of the CRP led and Defra funded Clean Air Logistics project, the Chelsea Harbour Sustainable Deliveries Hub began operating in the Chelsea Harbour Estate in Sands End. The hub is made up of two cargo bike delivery bays as well as a 'Yeep!' parcel locker. CRP worked with Hammersmith & Fulham Council and the Chelsea Harbour Estate to deliver the hub, which aims to encourage zero emission deliveries to residents as well as the surrounding area. The Chelsea Harbour Sustainable Deliveries Hub is also supporting potential river freight opportunities as the hub is located near to Chelsea Harbour Pier, which has been identified as a good opportunity for light freight river services. As a result, the hub is well located to support any potential river freight operations that could use Chelsea Harbour Pier in the future.
- The council's Dr Bikes mechanics worked on 1,185 resident's bikes over 2022/23. The scheme was expanded to sites including the West London Welcome refugee centre, Imperial College White City and Charing Cross, Hammersmith and St. Mary's Hospitals. As part of the council's Widening Participation scheme just over 1,100 secondary school pupils in the borough received Bikeability training. In addition to this, 648 primary school pupils received Levels 1 & 2 Bikeability training, and 455 adults and families also received cycling training. The council has received funding to restart the programme in 2023.
- We ensured that the council's waste contractor fleet HGVs met the Low Emission Zone requirements and that they are actively procuring vehicles that meet higher emissions standards, such as the Ultra Low Emission Zone, including electric and hybrid vehicles.
- The council was a member of the Idling Action London project, which was funded by the Mayor's Air Quality Fund (MAQF) 3 and ran 2019-2022.

4. The Air Quality Action Plan Matrix

This section of the Air Quality Action Plan sets out the actions, policies and projects we will undertake in the lifetime of this plan to improve air quality in Hammersmith & Fulham.

Development and Implementation of the H&F AQAP

4.1 Consultation and Stakeholder Engagement

In developing/updating the action plan we have worked with other local authorities, agencies, businesses and the local community to improve local air quality. Schedule 11 of the Environment Act 1995 requires local authorities to consult the bodies listed in Table 3.1. In addition, we have undertaken the following stakeholder engagement:

- Promotion of consultation on our website
- On-line survey to collect comments on draft AQAP
- Regular Tweets from the Council Twitter account
- Engaging with residents via the council's 'climate café' programme of online events and webinars

As air quality is an issue that affects us all, co-creation of this Plan is critical. The public consultation for this AQAP took place in December 2023 – February 2024. Numerous changes to the draft AQAP were made following the consultation. The response to our consultation stakeholder engagement, including a tracker outlining the changes made to the Plan following the consultation, is given in *AQAP Annex: Consultation Responses* document. This included changing the dates for the AQAP from 2024-29 to 2025-30.

4.2 Steering Group

A steering group comprised of officers from around the council including transport, highways, planning, housing, public health, fleet management, procurement and communications will meet a minimum of twice a year to go over the actions in this plan to track its progress, to identify existing projects that could be augmented to address air quality concerns, and to plan out future actions and projects as well as funding opportunities to make air quality improvements.

4.3 AQAP Progress

Table 4.1 shows Hammersmith & Fulham's AQAP. The actions listed here will be constantly reviewed and updated at least annually as part of the council's Annual Status Reports published on our website.

Table 4.1 contains:

- a list of the actions that form part of the plan
- the responsible individual and departments/organisations who will deliver this action
- estimated cost to the council
- expected benefit in terms of emissions and concentration reduction
- the timescale for implementation
- how progress will be monitored

Below is a Key to reading the Action Plan.

DRAFT

Key for reading the Action Plan:

<p>Who: name of the council department responsible for this action</p>	<p>BF: Borough Fleet CP: Property Services EH: Environmental Health HS: Housing Services HW: Highway Maintenance and Projects PH: Public Health PL: Planning PR: Procurement TR: Transport Planning AQ: Air Quality PS: Parking Services CU: Climate and Ecological Emergency Unit</p>
<p>Cost</p>	<p>If the cost to implement an action is already part of the council's budget, then 'Normal Business' is entered here. Otherwise the funding sources and costs are listed.</p>
<p>Score: Expected Emissions Benefit</p>	<p>Magnitude of the expected Air Quality Benefits High=1 Medium=2 Low =3</p>
<p>NO₂, PM, CC</p>	<p>Tick marks indicate whether the action will have an impact on NO₂ (nitrogen dioxide), PM₁₀ and PM_{2.5} (particulate matter) or CC (Climate Change gasses).</p>

When	What year (or month) this action will be implemented of completed or if this is ongoing and will be reported annually
How implementation will be monitored	All actions will be monitored by the responsible department, discussed and tracked during AQAP steering group meetings and reported yearly in the Annual Status Report; further specifics are mentioned here.

Table 4.1 – Air Quality Action Plan

The actions have been grouped into six categories: Emissions from developments and buildings; Public health and awareness raising; Delivery servicing and freight; Borough fleet actions; Localised solutions; and Cleaner transport.

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
1	Ensuring emissions from construction are minimised by ensuring that all major developments provide an air quality assessment (AQA) which includes a Dust Risk Assessment and	EH/PL/AQ	Normal business and external funding from Defra.	1	✓	✓		This is on-going and reported annually.	100% of construction dust complaints investigated by Environmental Health Noise and Nuisance Team. Number of planning applications	In line with the Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance available to view at Dust and Emissions SPG July 2014 and Institute of Air Quality Management Guidance on Monitoring in the Vicinity of Demolition and Construction Sites, Version 1.1, IAQM, October 2018 Guidance – IAQM

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
	<p>Transport Logistics Assessment</p> <p>AQAs must also have reference to not just national objectives but also to the council's 2030 AQ Targets and WHO guideline values for the air pollutants NO₂, PM_{2.5} and PM₁₀, which the council has committed to meeting by 2030</p>								<p>where planning condition for automatic air quality monitoring recommended reported in the Annual Status Report.</p> <p>Monitoring of major planning applications to ensure all include an adequate AQA.</p>	
2	Ensuring enforcement of Non-Road Mobile Machinery (NRMM) air quality policies by ensuring that NRMM conditions are included on all relevant planning applications. The	AQ/PL	£2,000 per year with additional funding from the GLA.	1	✓	✓	✓	This is on-going and reported annually.	100% of relevant applications to include NRMM conditions. To be reported annually alongside information on numbers of site	London City Hall have a website available with further information on NRMM: Non-Road Mobile Machinery (NRMM) London City Hall

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
	<p>council will conduct monitoring and enforcement of this via spot checks on construction sites.</p> <p>There is a requirement that Stage V NRMM NOx and PM standards will be used for all equipment on all developments boroughwide , and developers will have to justify any exemptions to this.</p>								<p>inspections and sites on the NRMM register.</p> <p>Number of planning applications when a NRMM planning condition is recommended will be reported in the Annual Status Report.</p>	<p>Hammersmith & Fulham Council has been successful as part of a London-wide match funded Bid to the Mayors Air Quality Fund (MAQF) for a NRMM project to pay for an officer to educate, raise awareness and ultimately enforce NRMM.</p>
3	<p>Planning: reducing emissions from buildings</p> <p>There is a requirement that new developments</p>	AQ/PL	Normal business	1	✓	✓	✓	This is on-going and reported annually	100% of relevant applications to include appropriate conditions, to be reported on annually. The	The commitment to zero emissions to air aligns with the Council's net zero by 2030 target and adoption of the annual mean WHO air quality guideline values (2021). The relevant paragraphs of the National Planning Policy Framework to air quality can be found in the Air

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
	<p>will aim to achieve zero emissions to air. The use of carbon-based combustion plant e.g. gas boilers, CHP, and emergency diesel generators shall no longer be considered a default option for developments.</p> <p>Where appropriate, we will add planning conditions related to zero emission to air technologies to developments.</p> <p>Enforcing CHP and biomass air quality policies. Reducing emissions from combustion-based</p>								<p>council aims to be carbon neutral by 2030. This project is working in conjunction with this target.</p> <p>Number of sites for which planning condition for CHP, Gas boilers, and emergency diesel generators recommended, in line with SPG combustion plant emission standards.</p> <p>Number of sites for which planning conditions for ASHP, GSHP, Electric Boilers,</p>	<p>Quality and Planning section at the end of this Plan.</p> <p>Air quality assessments submitted to planning department must reference the council's 2030 Annual Mean Air Quality Targets and WHO based Air Quality guideline values for the air pollutants NO₂, PM_{2.5} and PM₁₀.</p> <p>Mitigation shall be required at homes, schools, workplaces or other development if there are exceedances of the councils 2030 Air Quality Targets for NO₂, PM_{2.5} and PM₁₀ and where current and future predicted pollutant concentrations are within 5% of these limits.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
	<p>plants and switching over to the use of heat pumps and the development of clean heat networks.</p> <p>Zero emissions alternatives to carbon-based back-up generators must be considered. For carbon-based back-up generators, we would expect a valid justification on why a secondary main electricity supply is not feasible.</p> <p>Expectation that major developments with frontage adjacent to the River Thames will investigate the</p>								Electric Induction Cooking Hobs and Secondary mains power supply are recommended	<p>To reduce carbon-based gas connections within homes and commercial organisations and to ensure adequate levels of indoor air quality the council shall as part of the planning and development control process shall encourage the use for all major and minor development (including change of use, renovation/refurbishment/extension applications) in the borough of:</p> <ul style="list-style-type: none"> • Zero Emission ASHP, Heat Battery Boilers, and Electric Boilers for the supply of space heating and hot water • Zero Emission Electric induction cooking hobs instead of gas cooking hobs. • Waste Water Heat Recovery Systems (WWHRS), within homes and commercial organisations improves overall energy efficiency.

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
	<p>potential for network heating options using water taken from and returned to the river.</p> <p>Expectation that major developments would utilize Battery Energy Storage Systems, Thermal Energy Storage Systems and secondary waste heat energy sources such as from Waste Water (Sewerage), Electricity Substations, Underground Railway, Microbial Fuel Cells (MFC) and Commercial Kitchen Ventilation Extractions Systems</p>									<p>LAEI 2019 data indicates Commercial cooking PM2.5 emissions account for 23% of total PM2.5 emissions in Hammersmith & Fulham.</p> <p>PM2.5 Emission Control mitigation will be required for new Restaurants (Use Class E) and Takeaways (Sui Generis).</p> <p>Zero local Emission technologies such as Air Source Heat Pumps (ASHP), Ground Source Heat Pumps, Heat Battery Boilers, Electric Boilers and Zero Emission secondary mains supply will be prioritised above combustion-based heating plant for all development in the borough including renovation/ refurbishment/ extension type planning applications.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
										<p>H & F is exploring the potential for net zero compatible district heat networks within the borough together with Kensington and Chelsea supported by the Local Energy Accelerator Programme.</p> <p>Zero local Emission secondary mains supply and Battery storage back up is considered more appropriate than carbon-based fuel back-up generators e.g. Diesel, Biofuel, HVO. etc</p>
4	Enforcing Air Quality Neutral policies by placing conditions on all relevant developments.	AQ/PL	Normal business	1	✓	✓	✓	This is on-going and reported annually.	<p>A set target of 100% of eligible developments submitting AQN assessments.</p> <p>Number of air quality neutral assessments completed will be reported in the</p>	<p>Assessments must be in accordance with the Air Quality Neutral guidance available at Air Quality Neutral (AQN) guidance London City Hall</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
									Annual Status Report.	
5	Master-planning and redevelopment areas aligned with Air Quality Positive and Healthy Streets approaches	AQ/PL	Normal business	1	✓	✓	✓		A set target of 100% of eligible developments submitting AQP assessments.	<p>Enforcement of Air Quality Positive (AQP) guidance to ensure that benefits to air quality are maximised during the design phase. Improvements should go beyond the Air Quality Neutral benchmark and minimum requirements to ensure reduced pollution exposure and benefits to the local community.</p> <p>AQP should be applied to master plans and development briefs for large-scale developments. It should highlight what measures have been taken throughout the design stages. Proposals should adopt the Healthy Streets Approach.</p> <p>Developments that will be required to follow AQP guidance include the Earls Court/ West Kensington development. AQP statement should be submitted as part of the EIA.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
6	<p>Ensuring adequate, appropriate, and well located green space and infrastructure is included in new developments</p> <p>Where appropriate, developers will have regard for planting and types of greening that is considered good for air quality</p>	PL	Normal business	2	✓	✓	✓	This is on-going and reported annually	<p>Appropriate planning already policy in place.</p> <p>Conditions securing policies will be addressed through planning.</p> <p>Annual Authority Monitoring Report will record:</p> <p>OS2 –Access to parks and open spaces OS4 - Net change to area of nature conservation interest- no net loss</p> <p>OS5 - Number of permissions granted for garden land</p>	<p>The Local Plan 2018 available to view at Local plan LBHF, has a number of Borough wide policies on Green and Public Open Space: Policy OS1 on Protecting Parks and Open Space; Policy OS2 on Access to Parks and Open Space; OS3 on Playspace for Children and Young People; OS4 on Nature Conservation and OS5 on Greening the Borough. These ensure that the council will protect, enhance, and increase provision of parks, open spaces and biodiversity in the borough.</p> <p>GLA air quality and green infrastructure guidance, see Using Green Infrastructure to protect people from Air Pollution, GLA 2019</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
									development-no net loss of back, front and side gardens. All reported in Annual Status Report	
7	<p>Ensuring the Smoke Control Area is appropriately identified and fully promoted and enforced including a review of the air pollution impacts of approved appliances and fuels and potential local restrictions.</p> <p>The Council's default position with the new borough wide SCO (Smoke Control Order) will be refusal for</p>	AQ/EH	Normal business	2	✓	✓		2025 and Ongoing.	<p>A set target of 100% of smoke complaints responded to within 2 hours.</p> <p>Other metrics we will report on:</p> <p>Number of activities to enforce/promote the smoke control zone.</p> <p>Number of people engaged with</p>	<p>This will include information provided to residents and businesses on smoke control using the council's website Air quality LBHF or enforcement activity by the council of legislation. Particulate matter associated with wood burning and from bonfires has been a factor in pollution events in London which requires further review and potentially local measures to control them. This action commits the council to investigating the feasibility of a local byelaw to prohibit the burning of bonfires.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
	<p>developments including solid fuel/ wood burning stoves.</p> <p>The Council will also assess the feasibility of banning public bonfires to reduce particulate emissions.</p>								<p>through communications activities.</p> <p>The Council aims to have a new trading standards officer fully trained in the new solid fuel regulations by April 2025.</p> <p>Number of fuel suppliers engaged with.</p>	<p>Air Quality Officer will attend GLA wood burning working group and feed into GLA guidance produced and ensure issues relevant to the borough are included.</p> <p>H&F Council is part of a Defra Funded London Wood Burning project (LWBP) with 15 other London boroughs. The project seeks to significantly enhance the evidence base and develop a set of campaign messages and an awareness-raising approach to achieve real progress in reducing emissions and pollution exposure from domestic solid fuel burning.</p> <p>H&F is also part of MAQF LWBP2 that is in respect to enforcement for SCA's in 15 partner boroughs in London. Officer training for the enforcement of the Clean Air Act in Smoke Control</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
										<p>Areas to be provided by the project is due start in November/December 2024.</p> <p>Regarding the refusal for applications with wood burning / solid fuel burning, GLA Air Quality Neutral guidance states that the use of these types of combustion result in an immediate non-compliance of the AQN requirements.</p>
8	Promoting and delivering energy efficiency retrofitting projects in workplaces and homes in the Council's own stock (Including using the GLA RE:FIT (Retrofit Accelerator: Workplaces) programme) to replace old polluting heat and energy plant with new zero emission plant	CP/HS/ CU	Normal business and external funding	1	✓	✓	✓	2026	<p>The council aims to be carbon neutral by 2030. This project is working in conjunction with this target.</p> <p>Annual organisational carbon audit.</p> <p>Number of projects delivered reported in</p>	<p>The council has signed up to take part in Re-fit (Retrofit Accelerator: Workplaces) for the corporate estate (more information on RE:FIT is available at Retrofit Accelerator - Workplaces London City Hall), and that work has begun to decarbonise our corporate estate.</p> <p>Our new Civic Campus is to have a ground source heat pump along with other energy efficiency measures.</p> <p>H&F social housing retrofit strategy underway, setting out a roadmap for</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
	<p>(e.g. Air source heat pumps (ASHP), electric boilers, electric induction cooking hobs,); and top-up lost insulation in combination with other energy conservation measures such as Waste Water Heat Recovery Systems.</p> <p>We will also seek to quantify the air quality impacts as well as the carbon impacts of major refit / retrofit projects, to ensure the co-benefits of work in this area is captured.</p>								Annual Status Report.	<p>decarbonising the council's stock up to 2030. This will include approaches to retrofitting with energy efficiency measures and low or no carbon energy systems.</p> <p>Decarbonisation of Social Housing - Innovation Partnership Prototype Phase – EnergieSprong Whole House Retrofit. 2021/22 Upgrade of 27 properties in the West Kensington Estate to make them highly energy efficient and drastically reduce the carbon emitted by each house. (Housing accounts for up to 35% of LBHFs carbon emissions)</p> <p>London Community Energy Grant secured to conduct feasibility studies across 5 sites to instal solar PVs on council assets through Hammersmith & Fulham Community Energy.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
9	The council to exercise its enforcement powers to ensure that developers fulfil commitments in delivering tree planting plans; also, to seek ways of maintaining mature tree cover when planning for new developments.	PL	Normal business	3	✓	✓	✓	Included in council planning policies and standard planning conditions. This is on-going and will be reported annually.	Planting on highways is reported annually to TFL via the LIP process. Compliance with conditions will be monitored. All relevant measures will be recorded in the Annual Status Report. The council will monitor the % of developers fulfilling their tree planting commitments.	<p>Planning Policy OS5 states that the council will seek to enhance biodiversity and green infrastructure in the borough, including by:</p> <ul style="list-style-type: none"> • Seeking to prevent removal or mutilation of protected trees. • Seeking retention of existing trees and provision of new trees on development sites • Adding to the greening of streets and the public realm. <p>The council also sets out in the Local Plan 2018 its vision of there being more street trees by 2035.</p> <p>Types of tree and street canyons – GLA guidance can be found on this.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
10	Support residents by providing energy efficiency advice and by installing small, low-cost energy efficiency measures as part of the Winter Ready Homes initiative and any future similar initiatives, that may be delivered as a microgrant to residents funded via the Household Support Fund (HSF). Reduce residents' energy bills and carbon footprint through home energy visits by trained green experts.	EH	Normal business	1	✓		✓	This is on-going and reported annually.	Approval of funds from the current annual HSF towards the microgrant scheme aims to support 500-750 resident homes with small energy efficiency measures. Number of residents to which advice provided and number of efficiency measures installed will be reported in the Annual Status Report.	Further information is available on the council's webpages at Energy efficiency and warm homes LBHF .

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
									<p>A set target for fuel poverty to be less than 10% in each ward by 2026, and less than 5% in each ward by 2028. Progress towards this to be reported annually.</p> <p>A set target for 50% of eligible homes to have been engaged by 2025, including in-person advice sessions, home visits and resident forums, and 100% of eligible homes by 2028.</p>	

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Emissions from developments and buildings										
11	The council and other decision makers to keep under review new environmental initiatives and best practices as these come forward.	PL	Normal business	1	✓	✓	✓	This is on-going and reported annually.	Number of activities completed will be reported in the Annual Status Report.	This will ensure that we are gathering information on environmental best practice across the council. Consultation responses will be reviewed, and a summary report produced each year as to why an initiative was taken/ not taken forward as a new action when the Air Quality Action Plan is reviewed annually.

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
12	Director of Public Health (DPH) taking shared responsibility for borough air quality issues and	PH	Normal businesses	n/a				On-going commitment	Minimum of one briefing provided per year to Public Health. Air Quality Action Plans formally signed	<ul style="list-style-type: none"> Air Quality Officers will ensure that the DPH regularly briefed on the scale of the problem in Hammersmith & Fulham, what is being done, and what is needed. Public Health Officials are actively involved in air quality engagement

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
	<p>implementation of Air Quality Action Plans.</p> <p>We will also report on the impacts of the Better Air, Better Health partnership</p>								<p>off by the Director of Public Health.</p> <p>Number of projects supported by Public Health team to be reported in Annual Status Report.</p> <p>Public Health Officer to sit on air quality steering group.</p> <p>Public Health to be included in scoping of potential projects to ensure outcomes focused approach to projects and interventions.</p>	<p>with local stakeholders (businesses, schools, community groups and healthcare providers).</p> <ul style="list-style-type: none"> Public Health feed into wide range of messages to ensure they are consistent with a public health approach. Air Quality information is contained within Joint Strategic Needs Assessment (JSNA) and Health and Wellbeing Strategy 2024-2029.
13	Raise awareness of the impact of indoor air quality on health, and actively seek projects in this area.	AQ/ CU	Normal businesses	n/a	✓	✓		This is on-going and reported annually.	Projects we are part of and have completed to be reported in Annual Status Report.	<p>Include regularly updated content on indoor air quality on the council's air quality webpages Air quality LBHF</p> <p>Apply for external funding from Defra Air Quality Grant and Mayors Air Quality Fund to undertake projects to raise</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
	<p>This action may include the production of new guidance, working with partners on behaviour change projects, utilising new indoor pollution monitoring technologies in a number of different environments, and projects to encourage the uptake of electric conduction hobs instead of natural gas fuelled cooking hobs.</p> <p>This action also includes work to ensure that indoor air pollution emissions are minimised from the</p>									<p>awareness of the impact of poor indoor air quality.</p> <p>We will also seek new funding routes for the London Home Air Monitoring Project, which was accepted for Defra funding in 2024 before all Defra 2023/2024 funding was stopped in March 2024.</p> <p>To reduce carbon-based gas connections and to ensure adequate levels of indoor air quality the council shall as part of the planning and development control process encourage the use of Zero Emission electric induction cooking hobs instead of gas cooking hobs. As cooking with gas hobs release the air pollutants Nitrogen Dioxide (NO₂), Carbon Monoxide (CO), Benzene, in addition to the climate change gas Methane.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
	operation of the Council's new Civic Campus.									
14	Engagement with businesses to increase workplace travel plans and implement local air quality improvement measures. This may include work with businesses with commercial kitchens to reduce emissions from cooking activities.	TR/AQ	Normal businesses and external funding from Mayor's Air Quality Fund and Defra Air Quality Grant	3	✓	✓	✓	This is ongoing and reported annually	The Council aims to engage all new businesses on workplace travel plans via its planning process and has set a target of engaging 30 businesses per annum. Businesses that take up the use of air quality footprinting tools	The council actively pursues opportunities to secure funding for projects for business engagement. The council has been part of joint bids with other councils and organisations for externally funded projects with Cross River Partnership as part of the Clean Air Better Business (CABB) Clean Air Villages 1,2,3 and 4, clean air logistics for London and Smarter Greener logistics projects Smarter Greener Logistics - Cross River Partnership . Outcomes from these Cross River Partnership projects have included an ultra-low emission supplier directory that businesses can utilise, click and collect and low pollution routes. Such projects have involved working with partner organisations such as Hammersmith London Business Improvement District

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
										<p>(BID), Fulham BID and Shepherds Bush Business Forum.</p> <p>As part of previous projects Clean Air Villages 2 and 3, The council worked with Zipcar, Business Improvement Districts (BIDs) and Cross River Partnership to launch electric van services for small businesses in Fulham and Shepherds Bush, to reduce air pollution from local businesses.</p> <p>Two Breathe London Air Quality Sensors have been placed at north end road and three on King Street as part of the evaluation of the impact of the recent projects.</p> <p>Hammersmith& Fulham is a member of the London Commercial Cooking Working group that will be exploring ways to gather an evidence base and mitigate the impact of Particulate emissions from commercial kitchens and markets on Local Air Quality. LAEI 2019 data indicates Commercial cooking PM2.5 emissions account for 23% of</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
										total PM2.5 emissions in Hammersmith & Fulham.
15	<p>Improve and develop the Council's information on air quality online.</p> <p>Promotion of availability of airTEXT and clean air route finder. This includes working with healthcare partners to increase the range and uptake of the service.</p>	AQ/PH	£1000 per year	3	✓	✓	✓	This is ongoing and reported annually	<p>The Council has a target to promote airTEXT services at a minimum of 20 events per annum. The Council also aims to promote the service via social media at least once a month.</p> <p>From the above targets, a goal has been set to increase uptake of the airTEXT service by 10% per annum.</p> <p>Providing an easy breakdown of all the air pollution data on the Hammersmith and Fulham website</p>	<p>Activities include messages on the council's website and through social media channels and distribution of information at council events. Information is provided on the council's air quality webpages Air quality LBHF</p> <p>AirTEXT is promoted to vulnerable groups through local GPs and other health care professionals.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
									in a visual and engaging way.	
16	Implement School Streets in the borough	Ed/CU/TR/AQ	Normal business and external funding from Defra	2	✓	✓		Ongoing and reported annually	Number of schools with school streets. Monitoring and evaluation of the school streets programme	The council is implementing school streets in tranches across the borough on a trial basis. Three School Streets Plus trial schemes were introduced at primary schools in September 2024, with more to follow in 2025. These will be implemented under our School Streets Plus programme which looks not only at school streets but at other measures which can be taken around school sites to help improve air quality.

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
17	Encourage schools to join TfL's school travel planning programme and GLA's Healthy Schools' London Programme by providing information on the benefits to schools and supporting the implementation of such programmes.	TR/PH	Normal businesses	2	✓	✓	✓	This is ongoing and reported annually	Number of schools that are part of TfL programmes and what accreditation level achieved will be reported in the Annual Status Report.	Information on school travel plans is available at Travel plans LBHF The Healthy Schools Programme is detailed at Healthy Schools London Healthy Schools
18	Air quality at schools: delivering the Mayor's Air Quality Fund money we have received to deliver air quality audit recommendations and support our School Streets Plus work (see action 16)	Ed/CU/TR/AQ	Normal businesses and external funding including GLA (£400k from the Mayor's Air	3	✓	✓	✓		Number of Schools receiving air quality audits and number of interactions with schools will be reported in the Annual Status Report. All audited schools supported to deliver key	Defra Air Quality Grant funding was obtained which enabled us to complete AQ Audits for all interested schools by the end of 2023. Opportunities to fund recommendations of school audits will be identified and bids submitted. Mayor's Air Quality Funding will implement the recommendations from the School Air Quality Audits at a

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
	<p>Focus on air quality at schools- through delivery of air quality teaching sessions with schools and air quality audits.</p> <p>Worked to provide more audits for other schools in polluted areas.</p> <p>Ensuring schools participate in the GLA's school ventilation and filtration programme.</p>		Quality Fund)						recommendations from the audits.	<p>minimum of 5 Primary schools across the borough during 2024-2027.</p> <p>Urbanwise are working with the Council's Smarter Transport Team on the Mayor of London funded School Superzone project at Wormholt Primary School and Ark White City Primary Academy.</p>
19	Raise awareness of the impact of individual behaviour on air quality within the council and to the public including events such as	AQ	Normal businesses	3	✓	✓		2023	The Council aims to raise awareness of Air Quality issues at a minimum of 20 public events per year, and at 6	The national clean air day webpages are available at Clean Air Day - the UK's largest clean air campaign

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
	National Clean Air Day.								internal events per year.	The council will put messages on website and on twitter when notified of air pollution alert.
20	Public air pollution alerts and forecast to be made more widely available.	AQ	Normal businesses	3	✓	✓		2025	Target: 100% of moderate and high pollution alerts disseminated through local channels. We will also work to increase the reach to vulnerable groups via Public Health colleagues.	The council will put messages on website and on social media channels when notified of air pollution alert.
21	Lobby central government to retain and improve air quality legislation to make national objectives more stringent.	AQ	Normal businesses		✓	✓		This is ongoing and reported annually	Number of responses to consultations reported in the Annual Status Report.	The EU Withdrawal Agreement Act 2020 regulations make amendments to air quality legislation. Air Quality target levels in the new act are considered more stringent and

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
										<p>specific to UK's circumstances than EU regulations.</p> <p>The Environment Act 2021 and the creation of the Office for Environmental Protection holds all public authorities, including councils, accountable when failing to comply with local air quality management framework post-Brexit.</p>
22	Lobby central government to meet World Health Organization (WHO) 2021 air quality guidelines	AQ	Normal businesses		✓	✓		2024 and Ongoing	Number of responses to consultations reported in Annual Status Report.	Lobbying with London Councils and the GLA for changes to include legally binding target for Fine Particulates (PM2.5), Particles (PM10) and NO2 in line with World Health Organisation (WHO) 2021 guidelines.
23	Lobby tyre, brake and clutch manufacturers to use materials which reduce small particles released through wear.	AQ	Normal businesses			✓		This is ongoing and reported annually	Emails written/ enquiries made regarding use of tyres/ brakes/clutch that release fewer particles.	<p>Officers meeting with car clubs and businesses take the opportunity to raise this issue and push for change.</p> <p>In 2023 Imperial College researchers released a report on the sources and impacts of tyre wear emissions under their broader Transition to Zero Pollution Initiative. The report calls for further</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
										<p>research on methods of measuring and combating non-exhaust emissions from vehicles, and for closer collaboration between researchers, industry and policy makers. Officers will lobby for further research and closer ties with partners in the commercial and academic sector to push for stronger data on tackling non-exhaust emissions. Report available at: Tyre Wear Particles, Imperial Zero Pollution.</p> <p>Emissions Analytics have conducted research on tyre emissions to promote a data-centred approach for best practice when reducing PM emissions with regards to; driving style; driving speed; tyre composition; and tyre age. Officers will utilize this data to inform their lobbying with stakeholder groups. Further information available at: Tread Pollution from Tyre Wear.</p> <p>In 2022, the RAC commissioned and published a report on break wear emission of EVs and best practice in</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
										reducing break wear emissions. Officers will utilize reports to take a data driven approach to raising awareness of break emissions and best practice. Report available at: EV Break Emissions.
24	Raise awareness, reduce exposure and target AQ issues affecting vulnerable groups via the Hammersmith & Fulham Fuel Poverty Strategy.	CU	Normal businesses			✓	✓	Ongoing with an end target of 2030.	<p>By early 2025 officers will have reached all applicable homes via leafletting.</p> <p>By 2025 50% of eligible homes have been engaged via targeted communications.</p> <p>By 2026 there will be fewer than 6,000 homes in fuel poverty in the borough according to the LILEE definition.</p> <p>Rates of fuel poverty</p>	<p>There is a significant overlap in the borough between areas that are less affluent, areas with higher rates of disparities issues, and areas of existing poor air quality. There is also strong evidence to suggest that the most vulnerable residents are also usually the most heavily affected by air pollution.</p> <p>The council will therefore utilize its pre-existing and ongoing fuel strategy apparatus to reach out to these groups, raise awareness of AQ issues, and help vulnerable residents reduce their exposure.</p> <p>The council's Fuel Poverty Strategy outlines four key objectives:</p> <ol style="list-style-type: none"> 1. To reduce bills for residents by improving the energy efficiency of

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
									<p>will be less than 10% in each ward.</p> <p>By 2028 all homes in fuel poverty will have been engaged via targeted communications.</p> <p>By 2030 the rates of fuel poverty will be less than 5% in each ward of the borough.</p>	<p>the H&F housing stock, reducing carbon emissions from housing, and improving air quality.</p> <ol style="list-style-type: none"> 2. To improve the process for identifying fuel poor residents and provide targeted support in the short and long term. 3. To develop, improve and maximise existing services within the council that support fuel poor residents. 4. To empower residents to be aware of the support that is available and how they can act independently. <p>The council is working closely with the National Energy Foundation and Better Housing Better Health to achieve these goals.</p>
25	Collaborate with public and academic partners to make use of existing frameworks and raise awareness	CU	Normal Businesses.		✓	✓		Ongoing.	<p>Activities of the partnership reported annually.</p> <p>Reporting on the production of new guidance and</p>	<p>In 2023 Hammersmith & Fulham formed a new partnership, Better Air Better Health, with Imperial College London's Environmental Research Group, and Imperial Trust NHS to progress action on improving air quality in the borough. The partnership will focus initially on</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Public health and awareness raising										
	amongst residents regarding AQ issues.								materials to help residents and visitors make changes to reduce their exposure to pollution and to reduce their own emissions.	raising awareness in the community on poor air quality, understanding the impact of air pollution on different groups, and progressing actions outlined in this AQAP to improve air quality. H&F is one three London boroughs partners involved in the AWAIR (awair-project.org) pilot project, beginning in October 2024. This is an initiative in White City neighbourhood of Hammersmith supported by Impact on Urban Health aimed at raising public awareness of air quality in London through the piloting of co-designed, solar-powered outdoor displays that communicate hyperlocal air quality conditions

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Delivery Servicing and Freight										
26	<p>Update of procurement policies to reduce pollution from logistics and servicing. Investigate the potential for air quality to be included in the council's circular economy work moving forward.</p> <p>Updated policy should require that suppliers have Fleet Operator Recognition Scheme (FORS) accreditation and suppliers have sustainable logistical measures in place (and include requirements for preferentially scoring bidders based on their sustainability criteria)</p>	AQ/ PR	Normal business	3	✓	✓	✓	Procurement policy document for air quality completed by early 2025	<p>Target: 100% of relevant procurements to include air quality requirements.</p> <p>Metric: The number of activities completed to work towards achieving this action will be reported in the Annual Status Report.</p>	The fleet operator recognition scheme webpages are at FORS Homepage - FORS - Fleet Operator Recognition Scheme (fors-online.org.uk) Initial step would be to develop a procurement policy document for air quality that would be available on the council's intranet procurement pages. The document would provide advice to departments about to enter contracts for services.

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Delivery Servicing and Freight										
27	Reducing emissions from deliveries to council buildings, local businesses and residents	TR/AQ	Normal business plus funding from GLA and local business	3	✓	✓	✓	This is on-going and reported annually	<p>The Council has set a target to engage 125 businesses per annum regarding the reduction of emissions from deliveries.</p> <p>The number of activities completed to work towards achieving this action will be reported in the Annual Status Report.</p>	<p>In addition to work discussed action 17 engagement with businesses.</p> <p>The council was successful in their bid to MAQF round 3 funding for Hammersmith Zero Emissions Network – support for businesses to switch to zero/low emission vehicles in Hammersmith.</p> <p>Hammersmith was awarded £50K of TfL's Healthy Streets Fund for Business, the council partnered with Hammersmith London BID and e-cargo bikes establish a new Zero Emission freight hub, called 'Parcels not Pollution' to enable businesses to receive and sort more deliveries at a single location. Reducing number of freight vehicles needed to service Hammersmith.</p> <p>The service launched in September 2019 using an e-cargo bike for the final leg of any deliveries to</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Delivery Servicing and Freight										
										<p>businesses in Hammersmith town centre. Parcels not Pollution services were expanded borough wide in April 2020.</p> <p>Along with expanding locations, delivery hours have also been extended and typically operates 9am to 10pm Monday to Saturday and 10am to 4pm on Sundays.</p> <p>The council was successful in an interborough consortium DEFRA Air Quality Grant bid for Clean Air Villages (CAV) 1, 2, 3 and 4 which included projects in Fulham and Shepherds Bush Town Centres.</p> <p>CAV projects focus on working with businesses and communities to make their deliveries and servicing more efficient.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Borough fleet actions										
28	Reducing emissions from council fleets (including council contractors)	BF/CU	Costs being assessed	2	✓	✓	✓	This is ongoing and reported annually	<p>The council's target is for its council-owned fleet to be net zero carbon emitting by the end of this Action Plan.</p> <p>Council contractor fleet transitions will be as agreed on each contract and monitored through contract management.</p> <p>We will also work towards reporting on vehicle / car sharing for council services, and the use of</p>	<p>2030 is a realistic date to achieve net zero from the council's own fleet of cars and light delivery vehicles, to allow time to overcome difficulties around vehicle supply chain and development of the necessary infrastructure to support electric vehicles. Surveys have been completed at the main council depot and satellite depots and the council is working with UK Power energy providers to establish the amount of electricity we can draw down from the grid. Capital bids to fund the required works and infrastructure instalments are being considered.</p> <p>As of August 2023, 20% of the council fleet is pure EV, with 40% of long term leased vehicles being EVs.</p> <p>Officers are currently developing proposals and costs to transition all diesel vehicles, both council and contractor fleet, who fuel at Bagley's Lane depot to use HVO as an</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Borough fleet actions										
									cargo bikes / e-bikes etc by council services	<p>alternative fuel to attempt to mitigate the length of time to move to a net zero fleet. This may help to reduce CO2 emissions from diesel vehicle by up to 90%</p> <p>The waste team is continuing to support the council's ambitious work to reduce our carbon footprint with the help of 20 new electric vehicles. The waste team's new fleet of 8 x E-cargo bikes, 9 x electric vans, 2 x cage trucks and 1 x electric bin truck that will be used as part of H&F's new garden waste collection service was launched in July 2024 in collaboration with our contractors.</p> <p>Our new waste contractor has provided a plan for fleet electrification by 2026-27, subject to requisite funding and charging infrastructure available. This timetable will be dependent on the development of the necessary infrastructure to support electric</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Borough fleet actions										
										<p>vehicles at the council's Bagley's Lane depot. Initial surveys have been completed at the main council depot to establish the amount of electricity we can draw down from the grid. Capital bids to fund the required works and infrastructure instalments are being considered. We consider that from the agreement of capital funding the necessary negotiations and works to electrify the depot to support the waste contract fleet would take approximately 18 months.</p> <p>A Transport User Group, reporting to the Chief Officer for Public Realm, has been convened to monitor these targets, as well as targets to reduce vehicle mileage and petrol/diesel fuel usage.</p>
29	Reduce emissions from parks and grounds maintenance	PR	Normal Business		✓	✓	✓	Ongoing and reported annually	The council's target is for 75% of the ground maintenance	In 2027 the council will reassess its contract with its current grounds' maintenance contractor, at which point it will set an additional goal for

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Borough fleet actions										
	by switching to electric vehicles and tools.								contractor's vehicles to be electric by 2027, along will all hand-held power tools.	electrifying its grounds maintenance fleet for the remaining two years of this AQAP.

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ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Localised Solutions										
30	The council will increase tree, hedge and grass planting on council-owned land and highways.	HW	Normal council spending	2	✓	✓	✓	This is on-going and reported annually	<p>Square Metres of additional greening installed will be reported in the Annual Status Report.</p> <p>Increase canopy cover from 14.5% to 16% by 2030, with a long term goal of reaching 23% by 2050. We also aim to plant an additional 100 seed grown trees in the borough per year to increase green connectivity.</p> <p>Further five Tiny Forests (to total 10) planned. Subject to</p>	<p>The first steps will be to identify locations that would benefit from increased green infrastructure and choose appropriate trees/ plants. Previous experience from green infrastructure project from Mayor's Air Quality Funding could be used, this is discussed at Grass is greener for innovative Hammersmith cycle path scheme LBHF</p> <p>Areas to be targeted are areas of high pedestrian footfall and large number of residential properties on high volume traffic routes and town centre locations.</p> <p>More general planting in the borough which will reduce carbon and potentially PM emissions include:</p> <p>All residents are encouraged to plant in their tree bases. Promoting and developing resources for residents to 'green the grey' in their private spaces</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Localised Solutions										
									securing appropriate sites and funding.	<p>is crucial. Guidance provided at Trees LBHF</p> <p>London's first-ever tiny forest was planted in Hammersmith Park in March 2021, followed by tiny forests in Normand Park and Eel Brook Common in 2022 and Frank Banfield Park in April 2024. It plays a vital role in offsetting the daily carbon emissions produced by traffic.</p> <p>As part of H&F's climate and ecology action plan, the borough will work with land managers such as TfL to encourage the greening of potential wildlife corridors through the borough such as railway sidings and verges.</p>
31	Implement opportunities for small scale LENs (Low Emission Neighbourhoods) and Low Traffic	TR	Normal business/ external funding secured	1	✓	✓	✓	Annually	Clean air neighbourhoods implemented will be reported annually.	<p>South Fulham Clean Air Neighbourhood implemented from July 2020. Restricting non-local traffic from passing through selected roads. Controlled areas are monitored by Automatic Number Plate Recognition</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Localised Solutions										
	Neighbourhoods, and investigate opportunities for funding of further projects following the positive impact of the trialled schemes to date in the borough.								The number of activities completed to work towards achieving this action. E.g., Applying for future funding opportunities will be reported in the Annual Status Report.	(ANPR) cameras which check whether a vehicle using that road has an access permit. Across South Fulham, traffic has reduced by 23% and CO2 has been reduced by one tonne per day. The borough-wide Clean Air Neighbourhoods programme is an evolution of the South Fulham scheme with the aim of tackling public health and air quality. Successful implementation of Clean Air Neighbourhoods relies on transparent engagement with residents, significant data collection, and the delivery of public realm improvements. A Clean Air Neighbourhood trial in the streets to the west of Wandsworth Bridge Road came into effect in December 2022. It was made permanent in 2024. The council has implemented schemes to repurpose parking spaces with parklets with benches and planters to form a barrier between pedestrians and

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Localised Solutions										
										<p>vehicle emissions and create a more pleasant environment.</p> <p>Similarly build outs have been constructed outside several borough schools to widen pavements, providing more space for children and their carers to walk on, Brackenbury Primary School and Wendell Park Primary school have both seen improvements.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Cleaner Transport										
32	Ensuring that Transport and Air Quality policies are integrated.	TR/AQ	Normal Businesses	2	✓	✓	✓	2025	Provide examples in Annual status report where transport and air quality have liaised on policy or projects.	The council is currently scoping a new Transport Strategy.
33	Discouraging unnecessary engine idling by taxis, coaches and other vehicles through enforcement and awareness raising campaigns and carry out patrols in hotspot areas such as taxi ranks, bus stands and schools.	AQ/PS	Normal business and external funding from GLA and annual campaign cost of £10,000 per year	2	✓	✓	✓	This is ongoing and reported annually	The Council aims to raise idling issues at all its five traffic free events per year, and a minimum of four Climate events per year. KPIs may be established for: Number of drivers told to shut off engines; number of drivers fined for not shutting off engines; number of awareness	Previous action days for idling vehicle are shown at Clean Air Champions' successful action day to stop idling motorists in H&F LBHF Further press and publicity activity planned to raise awareness. Since June 2023 Civil enforcement council officers have been handing out anti-idling leaflets to drivers when issued with their first warning on idling. From September 2023 council officer uniforms will be updated to include clearly visible anti-idling logos to further promote awareness. The council have also updated their 'Report it' app to include stationary idling to further involve residents in efforts to reduce idling.

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Cleaner Transport										
									raising campaigns completed to be reported in the Annual Status Report.	New enforcement powers are being used to fine motorists who pollute the borough by leaving their engines running. The council's traffic wardens will now be able to issue an £80 penalty charge notice (£40 if paid within 14 days from the date of issue) to motorists who have stopped with their engine idling in parking and loading bays, taxi ranks, or any roads where waiting is restricted.
34	Hold regular active travel events to encourage modal shift.	TR	Normal business	2	✓	✓	✓	This is ongoing and reported annually	The Council has set a target to hold a minimum of 5 traffic free events in highstreets and town centres per annum. These include:	H&F has recently refreshed its play street offering, making the application process easier for residents. We have worked with community organisations to add value and support to these resident lead events. Recent playstreets have been held at various locations around the borough. Playstreets are planned to take place at a number of schools in the borough over the coming months.

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Cleaner Transport										
									<p>2x Hammersmith King Street Traffic Free Event; 2x Noth End Road Traffic Free Event; 1x Council Supported Wandsworth bridge Road Traffic Free Event</p> <p>Number of events completed to be reported in the Annual Status Report.</p> <p>The Council will continue to support Play Streets, and aims to hold a minimum of 5</p>	<p>We will continue to hold active travel events around the borough. This will include event that coincide with World Car Free day.</p> <p>In addition, following the identification of funding and setting of annual targets, we will continue to hold behaviour change and awareness initiatives to encourage sustainable changes in travel behaviour, and provide 1:1 and group cycle training.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Cleaner Transport										
									Play Streets per year starting in 2024, and to increase this number by one on a yearly basis subject to annual review.	
35	Using parking policy to reduce pollution emissions	TR	Normal business	3	✓	✓	✓	This is ongoing and reported annually	Activities completed to work towards achieving this action to be reported in the Annual Status Report.	The council's Net Zero 2030 Parking Strategy introduces a number of emissions-based parking charges , including an additional surcharge for diesel vehicles , multipliers for second and additional permits, and using parking revenue to subsidise cycle parking to encourage modal shift.
36	Installation of Ultra-low Emission Vehicle (ULEV) infrastructure (electric vehicle charging points, rapid electric vehicle charging point and	TR	External to Council funding	1	✓	✓	✓	Ongoing and reported annually.	The Council has a target to remain one of the densest networks of EVCPs in London.	The Council has been successful in implementing one of the densest networks of EVCPs in London. The council will keep under review its ultra-low emission vehicle infrastructure. The council has introduced a free-floating car club (Zip-car Flex) that has

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Cleaner Transport										
	hydrogen refuelling stations)								Currently, every home or office within the borough is within 400 metres of a charging point (this figure does not include additional charging points on private land such as the Westfield shopping centre). The Council will use this metric, along with the ratio of ECVPs to brough population, to ensure it retains a sufficiently dense network that keeps up with demand.	a minimum of 25% BEV vehicles in the fleet, and this is planned to grow and detailed in the contract agreement. The council are committed to working with car club providers to pursue opportunities to increase the percentage of Ultra Low Emission Vehicles used within their fleet in our borough. This will be achieved through negotiation with car clubs; we will not grant additional spaces or licences, or renew exiting licenses, of car clubs which do not co-operate in this.

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Cleaner Transport										
37	<p>Provision of infrastructure to support walking and cycling. To enable more people to take up cycling to travel around the borough and to allow children to walk to school more easily. More safer cycle routes will be developed by the council and TfL. The council together with its strategic partners such as TfL, to develop plans to increase pedestrianisation, cycling and greening in its town centres.</p> <p>Utilising parking revenue to subsidise</p>	TR	Normal business and external funding from DfT and TfL	1	✓	✓	✓	This is ongoing and reported annually	Number of activities completed to be reported in the Annual Status Report.	<p>The Council's ambition is to have a high quality, safe cycle network across the whole borough made up of segregated cycle routes on main roads and quieter routes in residential neighbourhoods.</p> <p>A number of routes are already being planned. The council is currently in the design phase for the C34 from the Scrubs Lane junction with Du Cane Road along Wood Lane to Shepherd's Bush Green, providing approximately 1.35km of fully segregated cycleway. Funding is being sought for other routes, with potential opportunities in the east of the Borough arising from Earls Court and Olympia development.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Cleaner Transport										
	cycling parking across the borough.									
38	Work with and lobby the Mayor of London, GLA and TfL to take the necessary actions to improve air quality in the borough.	TR	Normal business	1	✓	✓	✓	This is ongoing and reported annually	<p>Number of consultation responses and letters submitted to be reported in the Annual Status Report.</p> <p>We will review emissions based charging to encourage consumer behaviour via surcharges for vehicles that are not ULEZ - compliant.</p> <p>Conduct a feasibility assessment on road user</p>	<p>From 25 October 2021 the ULEZ was expanded from central London to create a single, larger zone up to, but not including, the North Circular Road (A406) and South Circular Road (A205). From 29 August 2023 the ULEZ was expanded again to create one single zone across all 33 London boroughs.</p> <p>We will conduct a feasibility study on further localised road user charging on strategic links or local areas alongside existing adopted regional and local policy.</p> <p>We will explore the feasibility of further Clean Air Neighbourhood trials; including measures to improve air quality by reducing pollution and congestion.</p> <p>We will consult and engage on the possibility of introducing traffic</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Cleaner Transport										
									<p>charging by 2030.</p> <p>We will explore the feasibility of Clean Air Neighbourhood trials, where there is resident support.</p> <p>Ensure schools receive GLA funding for filtration and ventilation units.</p> <p>The Council aims to roll out a minimum of 450 cycle hangers across the borough over the next three years. This target will then be subject</p>	<p>restriction proposals in local neighbourhoods.</p> <p>We will take all necessary actions and fully support proposals to expediate geofencing and bus fleet electrification in areas of poor air quality and high congestion.</p> <p>We will support e-cargo bike delivery and options for zero exhaust emission deliveries including explore freight consolidation to reduce trips due to freight movements.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Cleaner Transport										
									to review in 2027.	
Monitoring and Other Core Statutory Duties										
39	Maintaining and where possible expanding air quality monitoring networks and fulfilling other statutory duties. Undertaking an air pollution audit, similar to a carbon footprinting report, for the council, and updating this annually.	AQ	Normal Businesses	2	√	√	√	This is ongoing and reported annually	Targets: Maintain the current level of monitoring in the borough. Achieve over 90% date capture at automatic monitoring sites. Complete Annual Status Reports on time each year Report on annual air pollution footprint reporting.	The number of non-automatic Nitrogen Dioxide tube monitoring network has expanded from 15 locations in 2016 to 60 locations in 2023. In 2022 there were two continuous air quality monitoring stations Shepherds Bush Green (HF4) and Hammersmith Town Centre (HF5) measuring nitrogen dioxide and particulate pollution continuously 24 hours a day Shepherds Bush (HF4) was upgraded in 2021 to include new PM10 and PM2.5 monitors. In 2023 As part of the Clean Air Neighbourhood programme, four new Air Quality Monitoring stations have been installed at Fulham Town Centre (HF6), Riverwalk (HF7), Wormwood Scrubs (HF8), and Sands End (HF9).

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Cleaner Transport										
										<p>These all include reference compliant equipment that monitor and measure the air pollutants Nitrogen Dioxide (NO₂), Particulates (PM_{2.5}, PM₁₀) and Ozone (O₃).</p> <p>H & F in 2023 have six PM2.5 monitoring locations compared to zero in 2018.</p> <p>The council is supportive of the use of Air Quality sensors to monitor air quality in the borough. Sensors will monitor air quality as part of the Clean Air Neighbourhood programme. Vortex Air Quality sensors were placed in 500 locations across the borough as part of the programme.</p> <p>A total of 57 Breathe London Air Quality sensors have been installed across the borough, during 2021 and 2023. 47 of these sensors have been installed near school entrances, including nurseries, primary and secondary schools. These air quality sensors are powered by solar panels.</p>

ID	Action description	Who	Cost	Score	NO ₂	PM	CC	When	How implementation will be monitored	Further information
Cleaner Transport										
										The Air Pollution Footprint Toolkit has been produced by Ricardo and the Clean Air Fund and is a free tool for organisations to track their air quality emissions.
40	The council will work towards compliance by 2030 of the annual mean World Health Organisation (WHO) health-based Air Quality Guideline Values (2021) for NO ₂ , PM ₁₀ and PM _{2.5}	AQ	Normal business	2	√	√	√	This is ongoing and reported annually	Number of air quality assessments reviewed reported in the annual status report submitted to the GLA.	<p>Air quality assessments submitted to planning department must reference the councils 2030 Annual Mean Air Quality Targets for NO₂ (10ug/m⁻³), PM₁₀ (15ug/m⁻³) and PM_{2.5} (5ug/m⁻³) and the WHO based Air Quality guideline values (2021) for the air pollutants NO₂, PM₁₀ and PM_{2.5}.</p> <p>Mitigation shall be required at homes, schools, workplaces or other development if there are exceedances of the councils 2030 WHO aligned Air Quality Targets for NO₂, PM_{2.5} and PM₁₀ and where current and future predicted pollutant concentrations are within 5% of these limits.</p>

5. Further information and guidance

This section contains a wealth of extra information and guidance. It includes a checklist for actions you can take to improve air quality and reduce your exposure to pollution, whether you're an individual, community group, business or school.

Our website is the best place to find the latest and most up to date information and guidance: [Air quality | London Borough of Hammersmith & Fulham \(lbhf.gov.uk\)](https://www.lbhf.gov.uk/air-quality)

Recommendations for action for individuals and community groups

Air quality affects all of us. Here are 10 recommendations for actions you can take to improve air quality and improve your health and wellbeing:

Reduce your contributions to air pollution

1. Shop locally, and use **click and collect services to reduce unnecessary traffic emissions**.
2. **Walk, cycle** and take **public transport** when you can.
3. Never leave your **vehicle engine idling** when you're stationary or parked.
4. **Improve the energy efficiency of your home**, which will also reduce your carbon emissions and reduce your energy bills.
5. Think about **indoor air pollution**, whether that's through **increasing ventilation of your kitchen while cooking**, or changing to an **electric induction cooking hob**.

Reduce your exposure to air pollution

6. Take quieter **low road vehicle traffic routes** when you **walk** and **cycle** – use this as an opportunity to explore green spaces and parks that are on your way.
7. Sign up to pollution alert systems such as airTEXT: [airText - Air pollution forecasts for Greater London, Chelmsford and Colchester](https://www.airtext.org.uk/)

Use your voice!

8. Talk to us - use our Report It function on our website to raise issues with us such as dust from construction sites, unnecessary vehicle idling, and more: [Report it | London Borough of Hammersmith & Fulham \(lbhf.gov.uk\)](https://www.lbhf.gov.uk/report-it)
9. Support national events such as Clean Air Day, take part in community monitoring such as the Breathe London project, and respond to consultations and surveys from government (and from Hammersmith & Fulham council!)
10. Talk to people you know about pollution and its impact on health.

Recommendations for action for businesses

Air pollution is bad for business, and bad for the wider economy. Here are 10 recommendations for actions businesses can take to improve air quality.

Reduce workplace exposure to air pollution

1. **Ensure your buildings are well ventilated**, well maintained, and clean and dust free.
2. Use official guidance such as from the British Safety Council to protect the health of your employees – this is particularly important for outdoor workers: [Information for Employers | British Safety Council | British Safety Council \(britsafe.org\)](#)
3. Use 'low VOC' and 'non-toxic' cleaning products in the workplace.
4. Communicate to your employees about air pollution, including indoor air pollution for those working remotely or flexibly.

Reduce your contributions to air pollution

5. Encourage staff to **walk, cycle or take public transport** to work.
6. Look at the number and type of deliveries made to your business – use **Zero Emission last mile delivery couriers**, or consolidation centres.
7. Use **green renewable energy providers** and environmentally sustainable products throughout your business.
8. Utilise funding opportunities and chances to take part in larger projects – if your business is in a Business Improvement District area, they are a great place to start
9. Get in touch with the council and become a **Climate Alliance member** – a network of businesses across H&F working together to reduce their environmental impact: [H&F Climate Alliance](#)
10. Use the **Air Pollution Footprint** online tool to calculate and track your air pollution emissions in the same way you might already capture your carbon footprint.

Recommendations for action for action for schools

Air pollution disproportionately affects young people. Schools can also contribute to pollution, as well as being powerful influencers and advocates for change. Here are 5 recommendations for actions schools can take to improve air quality.

Reduce your contributions to air pollution

1. Utilise the **School Air Quality Audit report** every school in the borough has received to work out what actions you could take to reduce emissions.
2. Have a **School Travel Plan**, and encourage pupils to **walk, cycle** and take **public transport** to school.
3. Get in touch with the Council about having a **School Street** – timed road closures at the beginning and end of the school day.
4. Use a variety of free lesson plans and other materials to incorporate **air quality** into the curriculum.
5. Teachers can also be part of the council's environmental network to learn and share best practice with peers from schools across the borough.

Further achievements from previous air quality action plan

- The council established a resident-led Air Quality Commission. The commission engaged with external experts and residents in examining the causes and dangers of local air pollution and proposed potential solutions to help reduce the concentration of air pollution in Hammersmith & Fulham. The final report was received by Cabinet on 7 November 2016 and many recommendations are currently being implemented.
- The council used Local Implementation Plans (LIPs) to match fund MAQF projects including integrating greening measures to improve local air quality and sustainable drainage along a busy road in Hammersmith Town Centre.
- We ensured that all approved major planning applications have been required to meet the Mayor's requirements relating to Air Quality neutral and combustion-based Energy Plants.
- The air quality policy within our Local Plan 2018 was amended to include all developments that have the potential to be impacted by local air quality (previously restricted to major developments). Consultation responses are provided to planning on all relevant applications.
- Secured S106 funding for officers to deal with Air Quality planning submissions and monitoring at major sites in the borough including the Earls Court Opportunity Area and Thames Tideway Tunnel sites.
- Minimised the impact of fugitive emissions by requiring developments to produce and implement Air Quality Dust Management Plans.
- Required all developments to ensure that all non-road mobile machinery (NRMM) operating on demolition and construction sites complies with London's NRMM Low Emission Zone requirements.
- Installed Vortex air quality sensors across South Fulham as part of the SW6 Clean Air Neighbourhood scheme, which has allowed the council to assess the impact of the scheme on pollution levels.

Air Quality and Planning

Paragraph 180 of the **National Planning Policy Framework (NPPF) 2023** states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air quality”.

Paragraph 191 of the **NPPF (2023)** states:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development”.

Paragraph 192 of the NPPF (2023) states:

“Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan”

Paragraph: 006 Reference ID: 32-006-20191101 of the **National Planning Policy Guidance (2019)** states the following in respect to ‘*What specific issues may need to be considered when assessing air quality impacts*’:

Expose people to harmful concentrations of air pollutants, including dust. This could be by building new homes, schools, workplaces or other development in places with poor air quality.

Air Quality and Inequalities

Index of Multiple Deprivation (IMD)

The [GLA 2023 update of Air Pollution and Inequalities](#) in London details that the most deprived communities of London still more commonly live in the most polluted areas. This distribution is often explained by the high urban concentrations produced by road transport sources, which coincides with the fact that a high proportion of deprived communities are in urban areas. However, the update found that concentrations have also declined faster in areas of deprivation and more significantly since 2016. The update also notes that inequality in exposure to air pollution is less in inner London areas such as Hammersmith and Fulham than in outer London.

The update also found that communities living along red routes are exposed to higher air pollutant concentrations, with red routes being designed for main traffic. Red route populations are likely to be the last places in London to meet the WHO interim target (20 µg/m³) unless further action is taken. The A4 and A40 running through the borough are both red routes. The red route population for the whole of London exposed to NO₂ concentrations exceeding the WHO interim guideline and the councils 2030 target of 20 µg/m³ is forecast to reduce from 100% (1.1 million) in 2016 to 76% (1 million) in 2025 and to 19% (0.2 million) in 2030. [WHO global air quality guidelines: particulate matter \(PM2.5 and PM10\), ozone, nitrogen dioxide, sulfur dioxide and carbon monoxide](#)

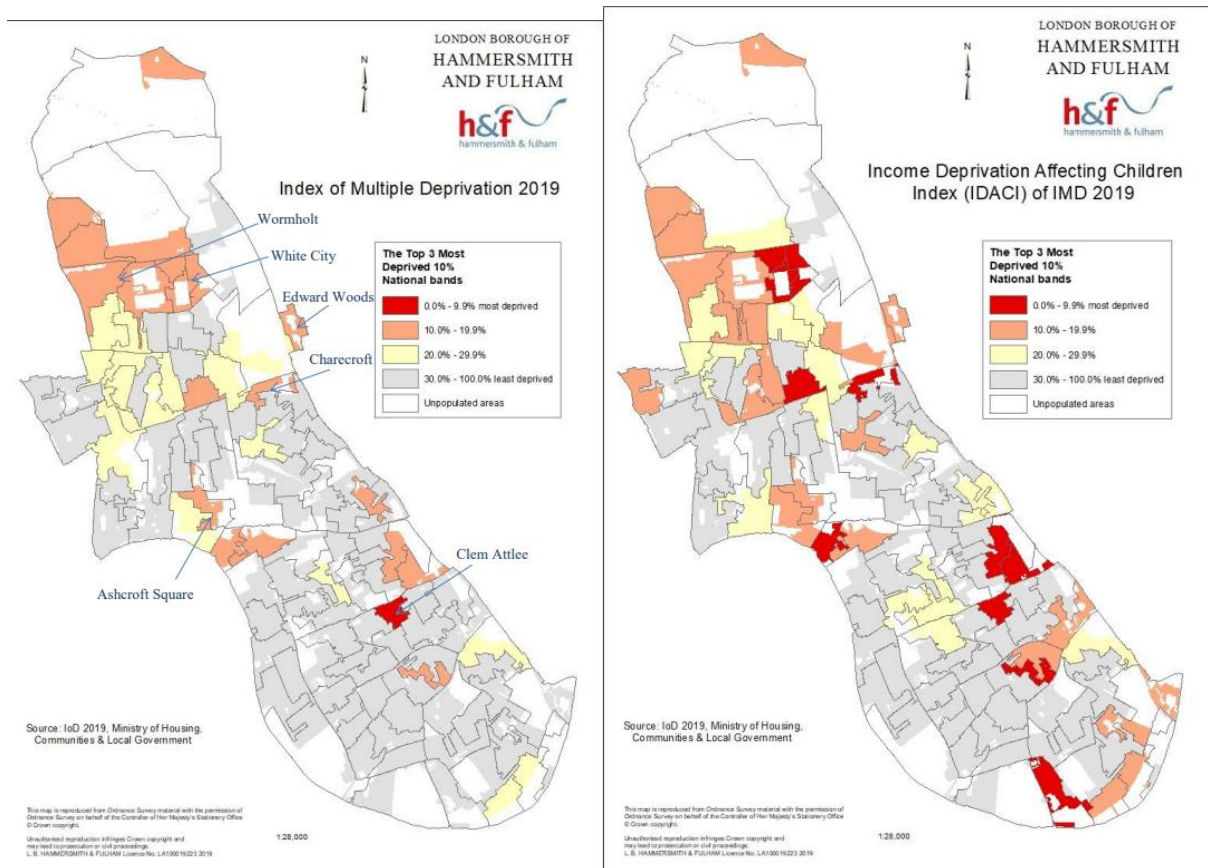
Together with the air quality focus areas that have been identified in Hammersmith and Fulham, discussed earlier in the action plan, it is important to be conscious of those areas identified with high deprivation as we undertake work to improve air quality and reduce exposure to air pollution in the borough.

Information on deprivation is available at the council website pages, [Deprivation in Hammersmith and Fulham | LBHF](#)

Two of the indices of deprivation we can look at are the index of multiple deprivation and income deprivation affecting children index. The index of multiple deprivation consider seven distinct domains: income: employment; education, skills and training; health deprivation and disability; crime; barriers to housing and services; and living environment. This index combines these seven domains to calculate a single score for each small area in the country. H&F has one of these small areas which is within the 10% most deprived nationally, Clem Atlee. Some 17% of H&Fs small areas or Lower layer Super Output Areas (LSOAs) are ranked in the next band, 10-20% most deprived. These areas are mostly in the north of the borough but also in parts of Hammersmith and north Fulham. H&F has around 18% of its small areas (LSOA) ranked among the most deprived 20% in England.

On the average IMD score measure, which reflects the average level of deprivation across all LSOAs (Lower layer Super Output Areas) in an area – Hammersmith and Fulham is the 112th most deprived out of 317 local authority districts in England. This is an improvement since the 2015 IMD which ranked the borough as 91st most deprived on this measure.

When we just consider the income deprivation affecting children index, 11 of the small areas in the borough or LSOAs are in the 10% most deprived nationally (26 LSOAs in 2015). If the small areas of the borough or LSOAs Deprivation are in the three most deprived deprivation levels they are shown in colour, with lower deprivation shown in grey. For income deprivation affecting children, the pattern across the borough is less obvious, with more areas affecting by high deprivation.

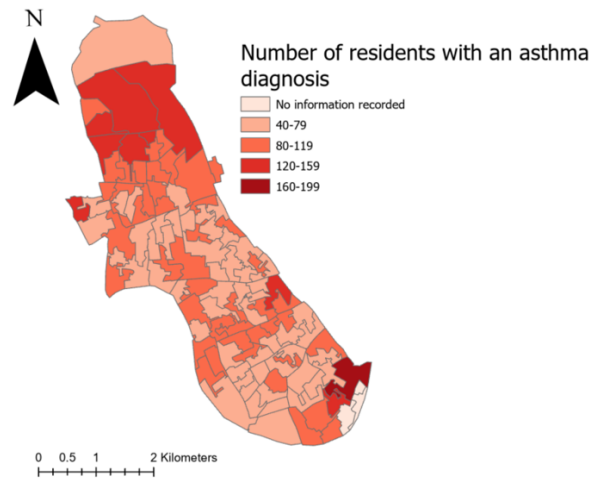


Similarly, the pattern of asthma diagnosis across the borough is less clear than the pattern for index of multiple deprivation.

Asthma

Number of Adults with Asthma 8,534	Number of Children with Asthma 907
Asthma Prevalence Among Adults 4.2%	Asthma Prevalence Among Children (6+) 3.7%

Hospital admissions for asthma (under 19 years) 2021/22 35



Data Sources:
NHS North West London, "Whole Systems Integrated Care (WSIC) Dashboard," 2022. [Online].
Office for Health Improvement and Disparities, "Hospital Episode Statistics (HES)," 2023.
All Data extracted on 30/05/2023.

Contains National Statistics data © Crown copyright and database right [2022]
Contains Ordnance Survey data © Crown copyright and database right [2022]

DRAFT

Indoor Air Quality

There is a large body of literature available that documents the adverse impact of ambient air pollution on health and well-being. In contrast, there is relatively little research or data available regarding indoor air pollution and its effects. This is concerning as most people tend to spend around 90% of their time indoors.⁸ In many instances, air pollution may be worse inside than ambient levels outside.

The World Health Organization estimates that household air pollution was responsible for an estimated 3.2 million deaths per year in 2020, including over 237 000 deaths of children under the age of 5. Their findings show that amongst all the deaths caused by indoor air pollution, 32% were a result of heart disease, 23% were from strokes, and 19% from lung infections.⁹

Indoor Air Pollutants

The sources of indoor air pollution are varied. Many ordinary day-to-day activities such as cleaning and cooking can lead to dirt, dust and gases becoming suspended in the air, negatively impacting the air quality. Some potential sources of indoor air pollution include:

- Cooking at high temperatures
- **Cooking using a gas stove**
- Using air fresheners, candles, incense and deodorants
- **Burning charcoal or wood for heating and cooking**
- Cleaning with specialist cleaning products
- Biological pollutants like tobacco smoke, viruses, bacteria, and mould

Air pollutants created outside can also enter the home via small gaps around doors and windows and become trapped in rooms that don't have adequate ventilation. Indoor air pollutants will also eventually end up outside, so they also contribute to national emissions.

Indoor Air Quality and Gas Cooking

Cooking with gas releases **hazardous air pollutants** into our homes. Over 36 million people in the UK cook with gas appliances. They may be exposed to levels of indoor air pollution that would exceed UK outdoor air quality standards. When in use, gas hobs and ovens emit **carbon monoxide (CO), nitrogen dioxide (NO₂), Benzene and carbon dioxide (CO₂)** which can linger indoors after use. Research indicates an

⁸ Neil Klepeis et al., *The National Human Activity Survey (NHAPS): a resource for assessing exposure to environmental elements* (Journal of Exposure Science & Environmental Epidemiology: 2001)

⁹ World Health Organisation, *Household Air Pollution* (www.who.int)

association between NO₂ exposure and the development of asthma in children. Gas cooking appliances also leak unburned **methane**, a potent greenhouse gas.

Using a single gas hob on for 45 minutes raised benzene levels to above that found in second-hand tobacco smoking, or at the boundary of oil and gas plants, with emissions 10 to 25 times higher than that from electric coil hobs a [Gas Combustion from Stoves emits Benzene and Increases Indoor Air Pollution](#) study has found. Benzene produced by gas stoves also migrated throughout homes, in some cases elevating bedroom benzene concentrations above WHO health benchmarks even after the stove was turned off. Induction hobs emit no benzene at all.

A new [Study of indoor air quality during gas cooking](#) published in *February 2024* has found that a gas cooking hob can emit more nano-sized particles into the air than diesel and petrol engine vehicles, possibly increasing the risk of developing asthma or other respiratory illnesses. These particles are extraordinarily small. current Air Quality Regulations deal with PM10 these measure 10 micrometers (aka 10µm) and the smaller PM2.5 and 2.5 micrometers (aka 2.5µm).

This would mean that adults and children could be breathing in 10-100 times more nanocluster aerosol from cooking on a gas stove indoors than they would from car exhaust while standing on a street with high vehicle traffic flows such as Talgarth Road (A4).

Legal Requirements for Indoor Air Quality

There are currently no set legal requirements for monitoring or tackling residential indoor air quality regarding nitrogen oxides, particulate matter, or volatile organic compounds (VOCs). However, as more data emerges about the impact of indoor air pollution public institutions are increasingly concerned about monitoring and addressing this issue. The Department for Environment, Food and Rural Affairs (Defra) published their [Clean Air Strategy](#) in 2019 which highlights the need to 'raise awareness about the potential impacts of air pollution at home' and encourages local authorities to take action.

Guidance

Despite the lack of monitoring infrastructure for indoor air quality, in recent years there has been an increase in the level of guidance from public institutions as awareness of the impacts of air pollution indoors grows. In 2019 the Building Research Establishment (BRE) published a report on [Ensuring Good Air Quality in Buildings](#). The report provides a framework for architects, construction firms, and

facility managers to improve IAQ along with a summary of relevant guidance and legislation in the UK.

In 2020 the Institute for Health Care Excellence (NICE) published their Indoor Home Air Quality guidance which aims to raise awareness of the importance of good air quality in people's homes and how to achieve this. One of its main recommendations is that Local Authorities place more importance on tackling indoor air pollution in their air quality strategy plans.

In 2021 the Institute of Air Quality Management published a document [iaqm_indoorairquality.pdf](#) with the aim of raising awareness amongst professionals about indoor air quality.

In 2022 the Air Quality Expert Group (AQEG) submitted an extensive Indoor Air Quality report to Defra. In it they recommended that the infrastructure for indoor air quality monitoring needs to be significantly improved to match the existing systems that monitor ambient air pollution. The AQEG noted there were numerous obstacles in place to developing these systems, and suggest several measures occupants could take to reduce air pollution in their homes:

- **Increase ventilation** – modern homes are designed to be energy efficient, which often means making them more airtight. Ventilation is important to allow pollutants and moisture (which may lead to mould) to escape. Increase ventilation by adding trickle vents, mechanical ventilation, or by leaving windows open.
- **Limit indoor air pollution sources** – reduce the number of sources producing pollution from inside the home. This includes **candles, incense, gas stoves, wood and coal fires**, and spray and aerosols. If you are using any of these, make sure you have adequate ventilation to allow pollutants to leave.
- **Air cleaning technologies** – devices like **air filters** can be installed in the home to help remove and reduce the level of airborne pollutants in the home.¹⁰

The Royal College of Paediatrics and Child Health in September 2024 published a 'Air Pollution in the UK- position statement' which contained a list of recommendations on themes of Schools, Transport, Housing and Woodburning.¹¹

National and WHO Air Quality Objectives

The national Clean Air Strategy 2019 outlines the high-level strategic framework for improving air quality in the UK and contains national targets and standards for airborne pollutants.

¹⁰ For a review of air cleaning technologies and their effectiveness, see: Xingxing Zhang, *A review of air filtration technologies for sustainable and healthy building ventilation* (Sustainable Cities and Society: 2017)

¹¹ [Air pollution in the UK-position statement](#), Royal College of Paediatrics and Child Health (RCPCH), 2024

Hammersmith & Fulham currently have six automatic monitoring stations that measure for levels of NO₂, PM_{2.5} and PM₁₀. One station is located near to Shepherds Bush Green (HF4) and Hammersmith Broadway (HF5). Since monitoring at these sites began in 2011 and 2019 respectively, Hammersmith & Fulham have met the majority of the National Air Quality Objectives, including those for NO₂ 1-hour means and annual PM₁₀ and PM_{2.5}. There have however been exceedances of the annual mean for NO₂ and at the Shepherds Bush monitoring station of the PM₁₀ 24-hour mean.

Table A Summary of National Air Quality Objectives

Pollutant	Objective	Concentration measured as	Date to be achieved by (and maintained thereafter)
PM ₁₀	50 µg/m ³ not to be exceeded more than 35 times a year	24 hour mean	31 December 2004
	40 µg/m ³	annual mean	31 December 2004
PM _{2.5}	20 µg/m ³	annual mean	1 January 2020
	10 µg/m ³ not to be exceeded at any relevant monitoring station	annual mean	31 December 2040
	Target of 35% reduction in population exposure compared with the average population exposure baseline period (2016 – 2018)	population exposure reduction	31 December 2040
NO ₂	200 µg/m ³ not to be exceeded more than 18 times a year	1 hour mean	31 December 2005
	40 µg/m ³	annual mean	31 December 2005

Table B Summary of WHO Air Quality Guidelines and Interim Targets

Pollutant	Averaging Time	WHO Interim Target (µg/m ³)				WHO AQ Guidelines
		1	2	3	4	
PM _{2.5}	annual	35	25	15	10	5*
	24 hour	75	50	37.5	25	15
PM ₁₀	annual	70	50	30	20	15*
	24 hour	150	100	75	50	45
NO ₂	annual	40	30	20	-	10*
	24 hour	120	50	-	-	25

*Council Air Quality Targets to be achieved by 2030

APPENDIX 2 - Project Report

28 February 2022 - 21 February 2024

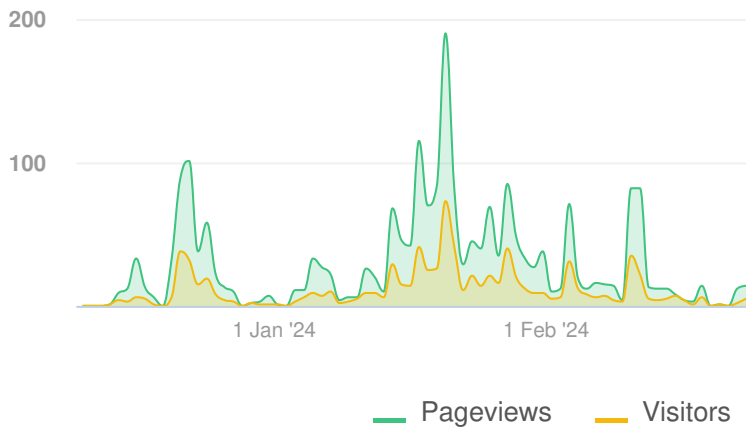
H&F Have Your Say

Improving our Air Quality – H&F Air Quality Action Plan 2024-29

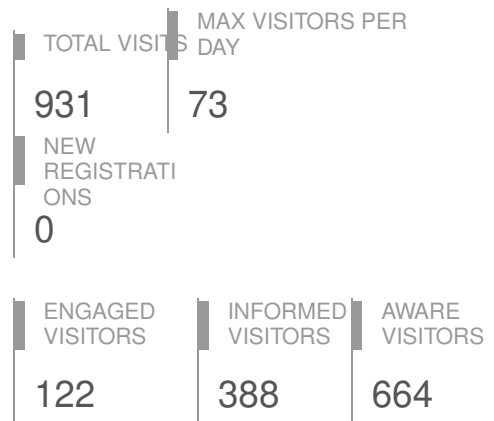
APPENDIX 2



Visitors Summary

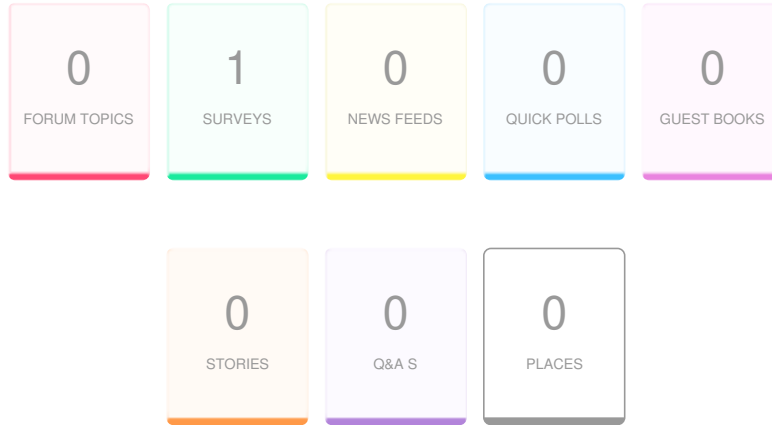


Highlights



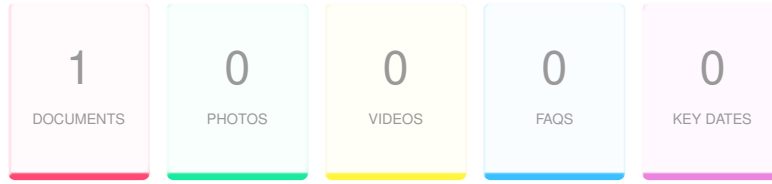
Aware Participants		Engaged Participants	
664		122	
Aware Actions Performed	Participants	Engaged Actions Performed	
Visited a Project or Tool Page	664	Registered	Unverified
Informed Participants	388	Anonymous	
Informed Actions Performed	Participants	Contributed on Forums	0
Viewed a video	0	Participated in Surveys	1
Viewed a photo	0	Contributed to Newsfeeds	0
Downloaded a document	199	Participated in Quick Polls	0
Visited the Key Dates page	0	Posted on Guestbooks	0
Visited an FAQ list Page	0	Contributed to Stories	0
Visited Instagram Page	0	Asked Questions	0
Visited Multiple Project Pages	250	Placed Pins on Places	0
Contributed to a tool (engaged)	122	Contributed to Ideas	0

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	H&F Air Quality Action Plan 2024-2029	Archived	309	1	0	121

INFORMATION WIDGET SUMMARY



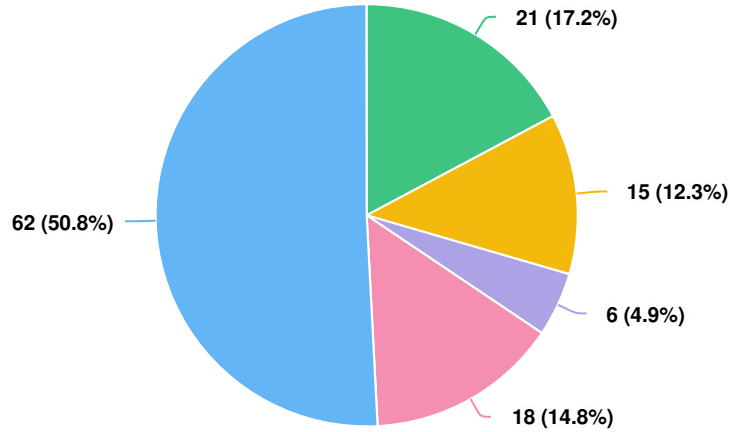
Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	Draft AQAP 2024-2029.pdf	192	222
Document	deleted document from	8	8

ENGAGEMENT TOOL: SURVEY TOOL

H&F Air Quality Action Plan 2024-2029

Visitors 309	Contributors 122	CONTRIBUTIONS 122
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How concerned are you about air pollution in Hammersmith & Fulham?



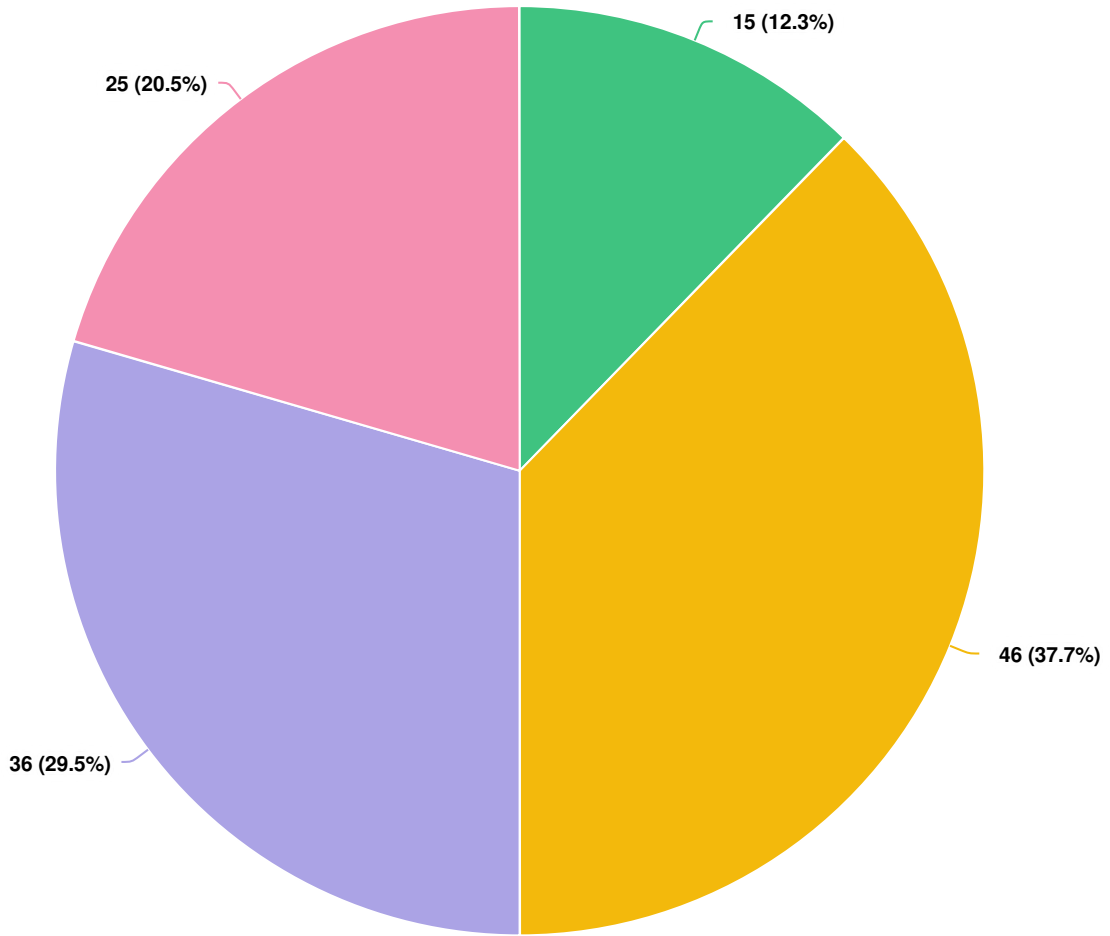
Question options

- Not concerned
- Somewhat concerned
- Neutral
- Concerned
- Very concerned

Mandatory Question (122 response(s))

Question type: Radio Button Question

Is Hammersmith & Fulham's new Air Quality Action Plan sufficient to tackle air pollution from buildings and new developments? Please let us know any further comments you have on these actions.



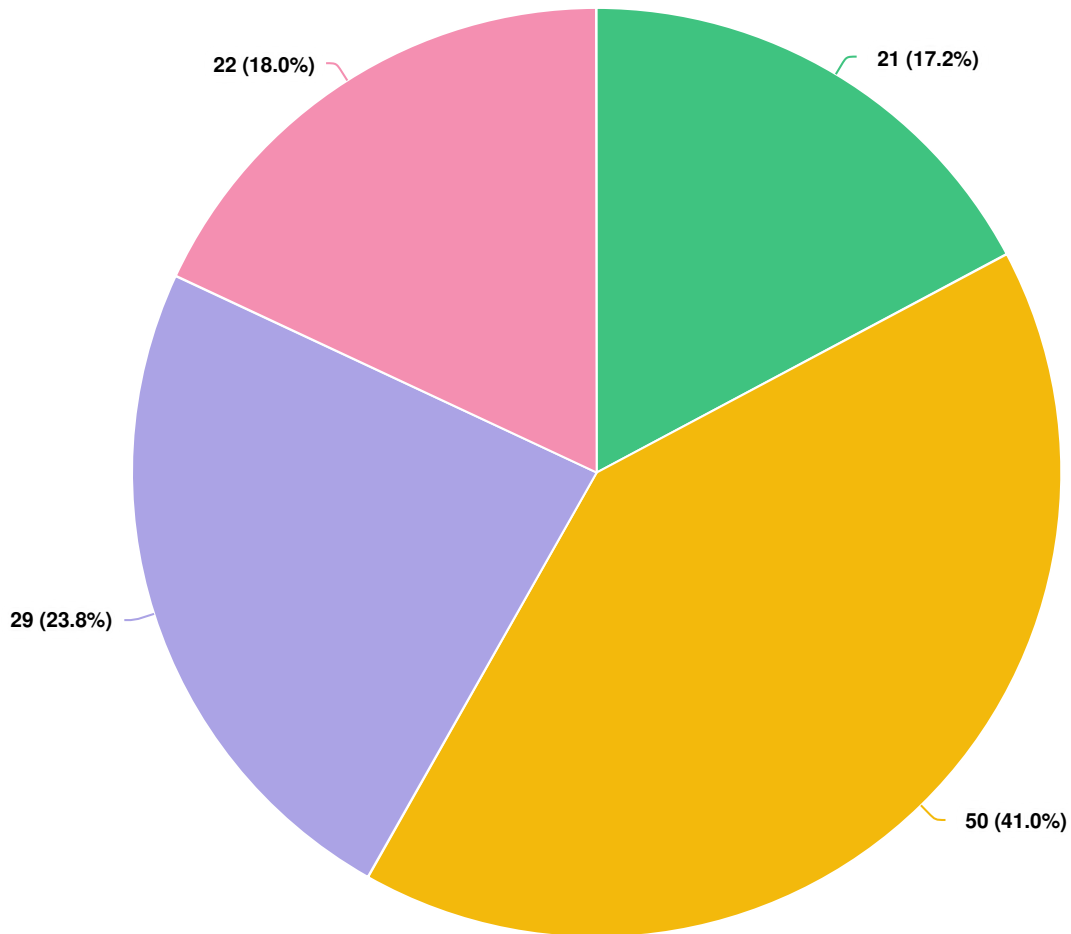
Question options

- Yes
- No
- Not sure
- Other (please specify)

Mandatory Question (122 response(s))

Question type: Radio Button Question

Is Hammersmith & Fulham's new Air Quality Action Plan sufficient to protect public health and raise awareness of the issues around poor air quality? Please let us know any further comments you have on these actions.



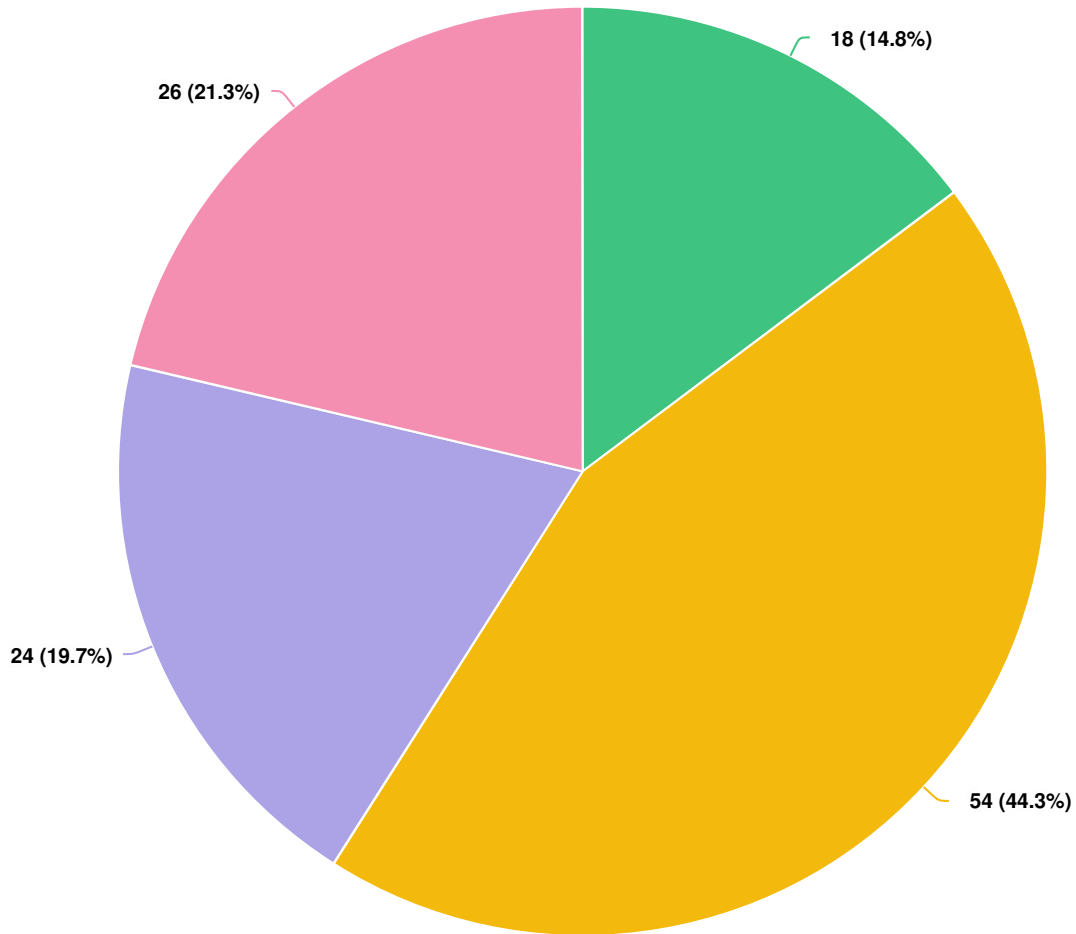
Question options

- Yes
- No
- Not sure
- Other (please specify)

Mandatory Question (122 response(s))

Question type: Radio Button Question

**Is Hammersmith & Fulham's new Air Quality Action Plan sufficient to reduce air pollution emissions from deliveries and transport and to monitor poor air quality?
Please let us know any further comments you have on these actions.**



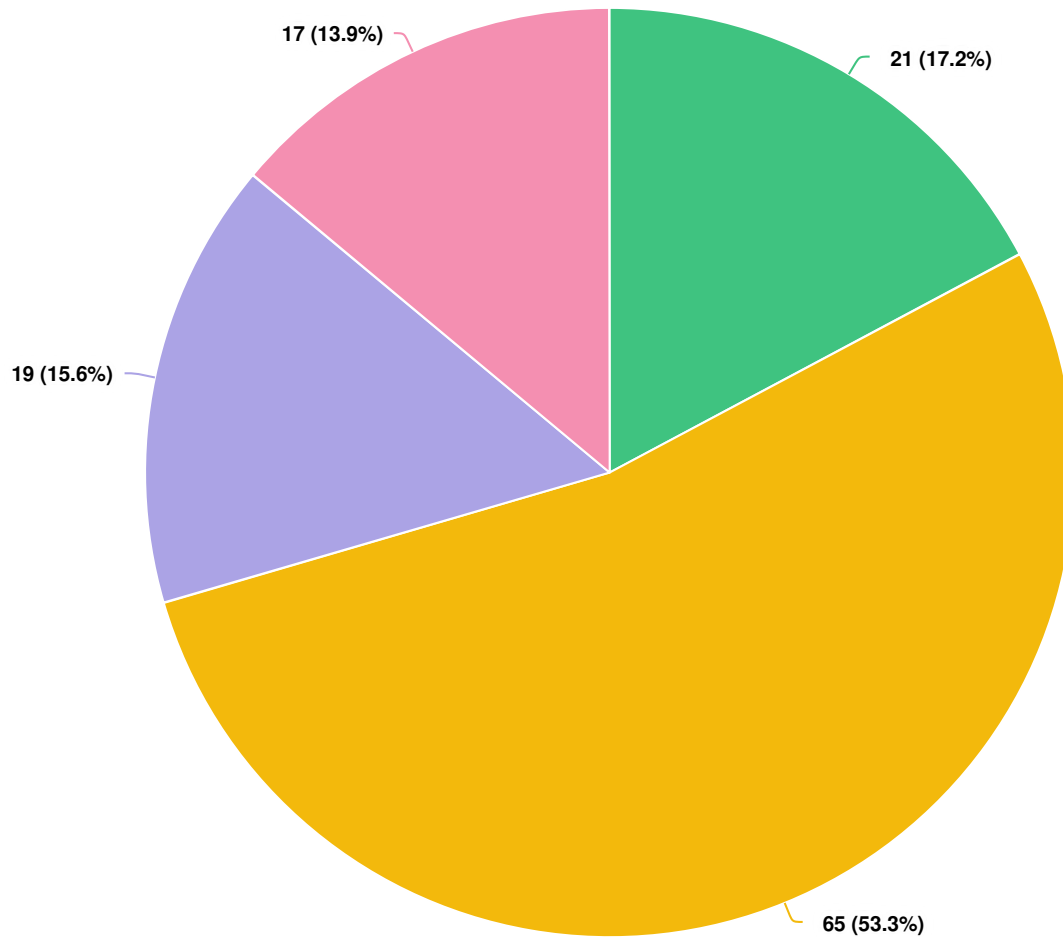
Question options

- Yes
- No
- Not sure
- Other (please specify)

Mandatory Question (122 response(s))

Question type: Radio Button Question

Is Hammersmith & Fulham's new Air Quality Action Plan sufficient to protect residents who are most at risk from poor air quality?



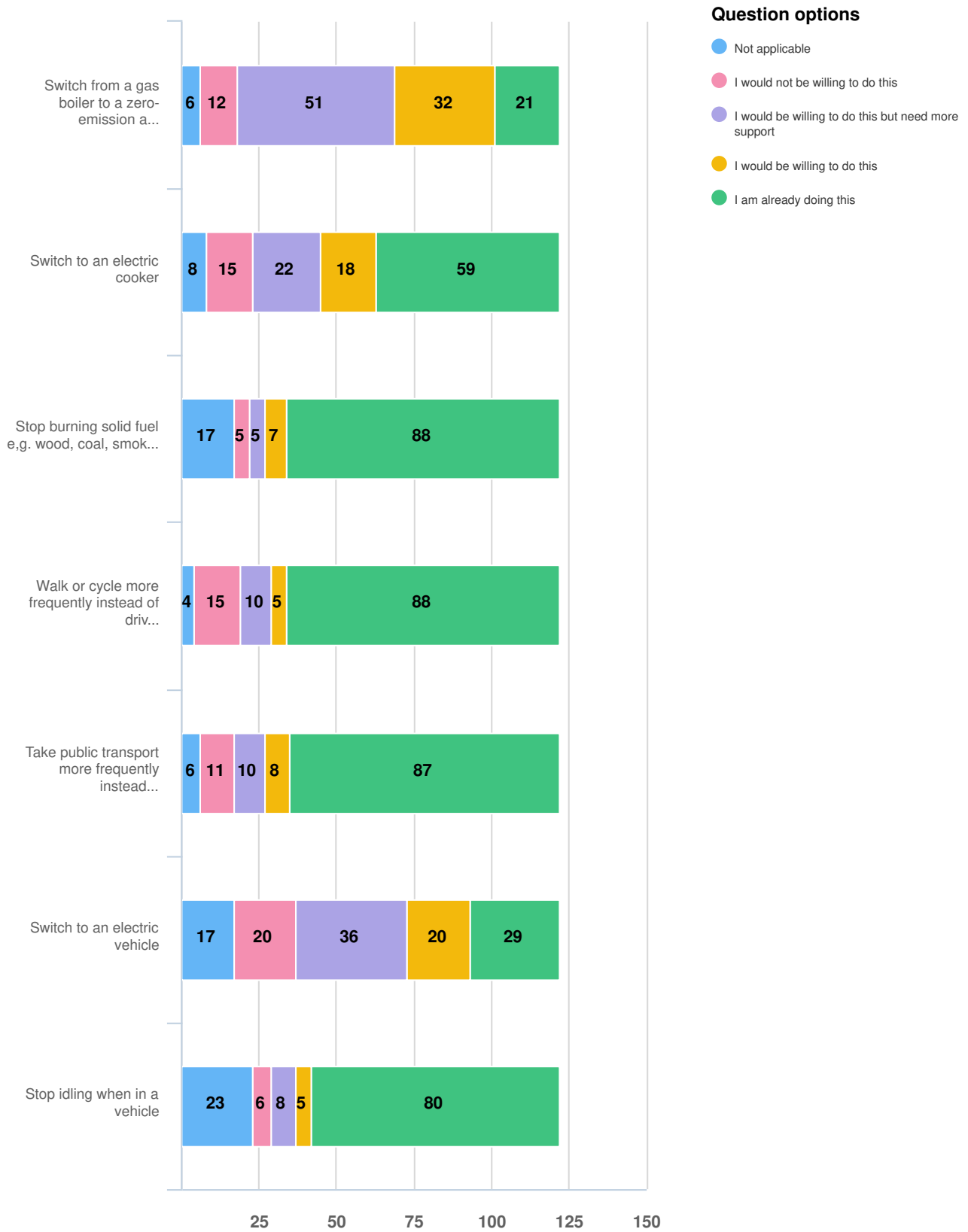
Question options

- Yes
- No
- Not sure
- Other (please specify)

Mandatory Question (122 response(s))

Question type: Radio Button Question

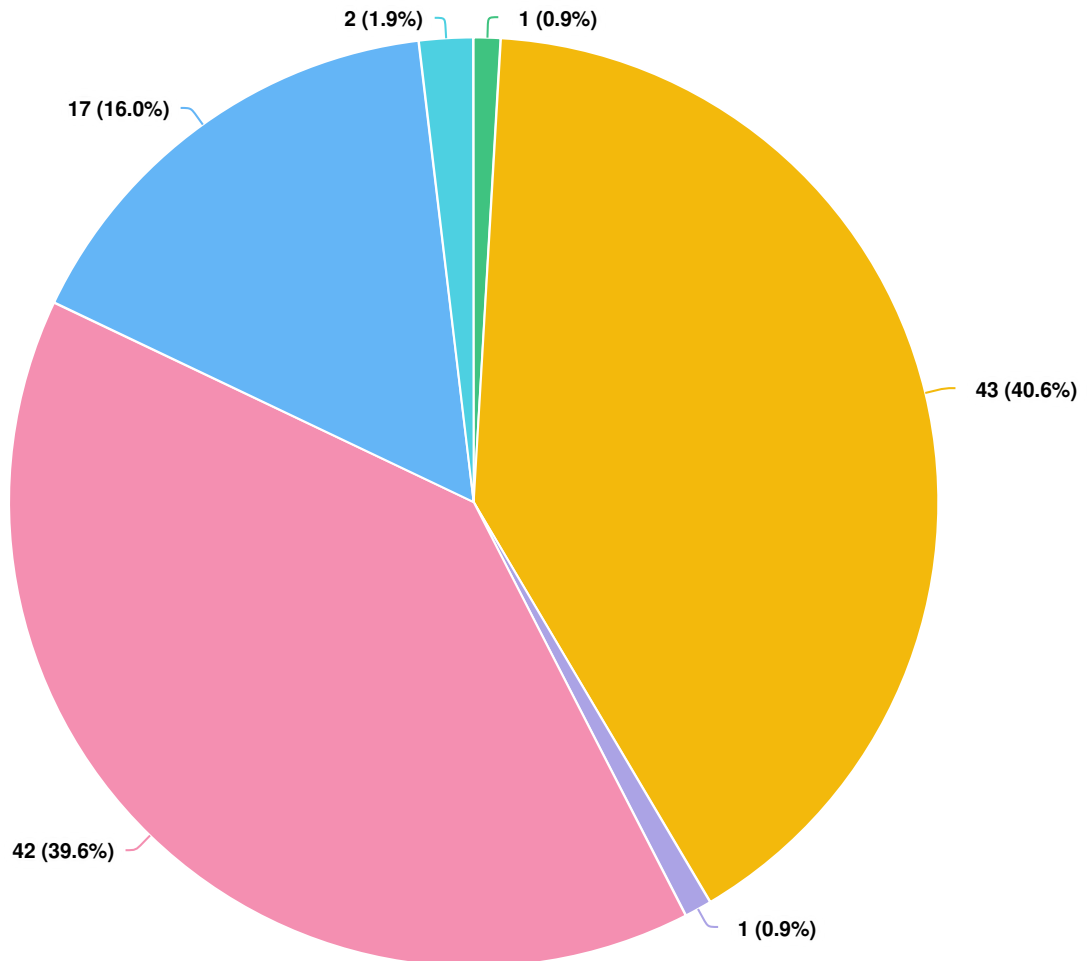
What lifestyle or behavioural changes would you be willing to make to protect yourself and others in the borough from air pollution? (Tick all that apply)



Mandatory Question (122 response(s))

Question type: Likert Question

Please tell us your gender



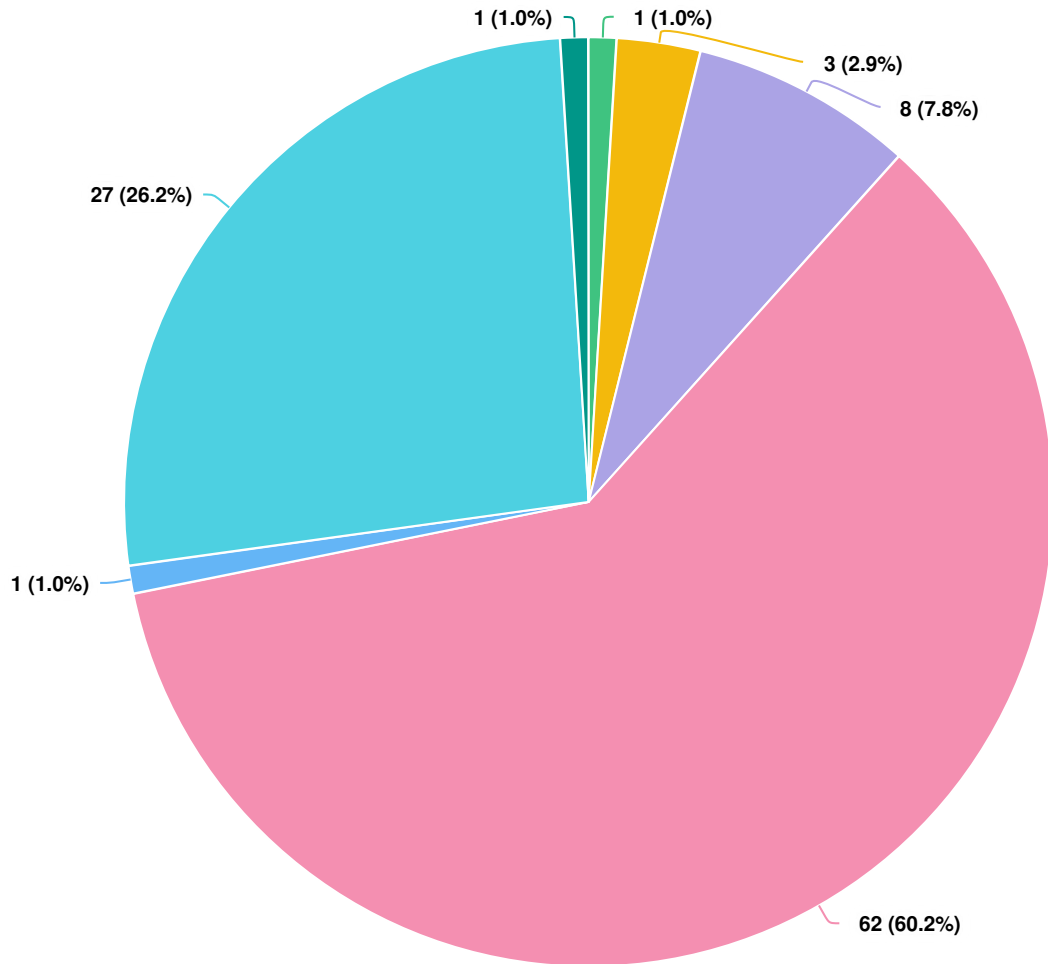
Question options

- Other (please specify)
- Prefer not to say
- Female
- Trans woman
- Male
- Gender neutral/Agender

Optional question (106 response(s), 16 skipped)

Question type: Radio Button Question

How would you describe your sexual orientation?



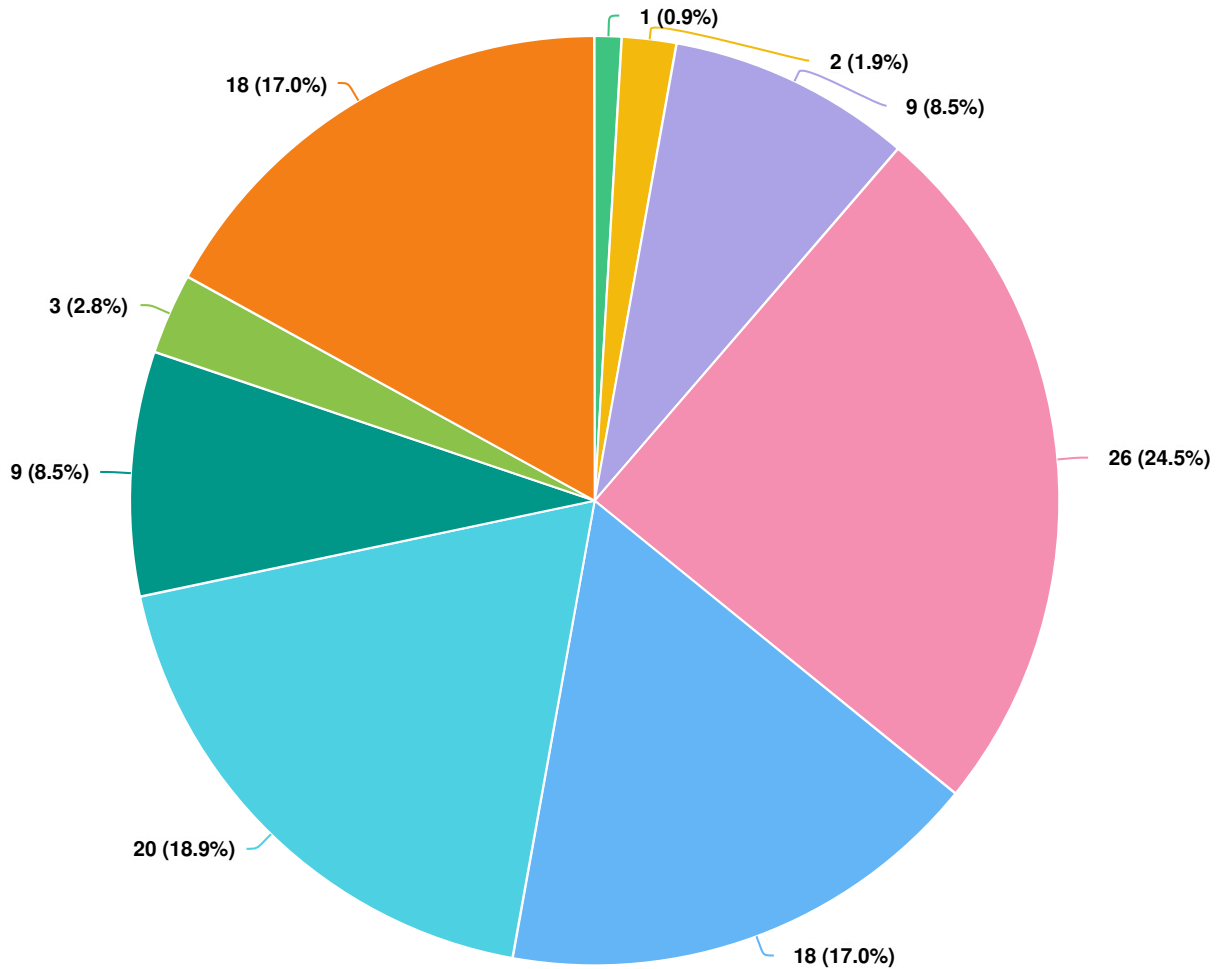
Question options

- Other (please specify)
- Prefer not to say
- Other
- Heterosexual
- Gay
- Bisexual
- Asexual

Optional question (103 response(s), 19 skipped)

Question type: Radio Button Question

What age group do you belong to?



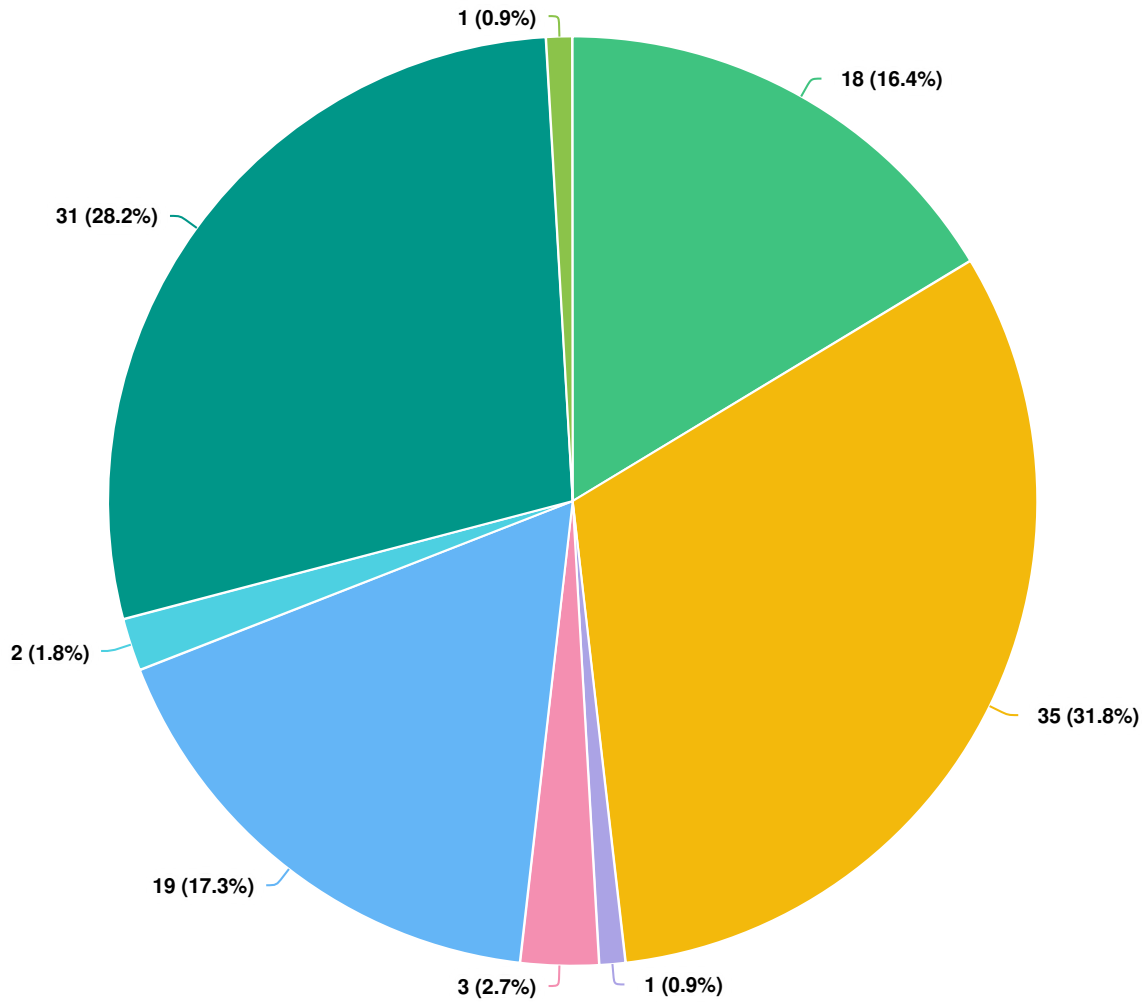
Question options

- Prefer not to say
- 75-84
- 65-74
- 55-64
- 45-54
- 35-44
- 25-34
- 18-24
- Under 18

Optional question (106 response(s), 16 skipped)

Question type: Radio Button Question

How would you describe your faith or belief?



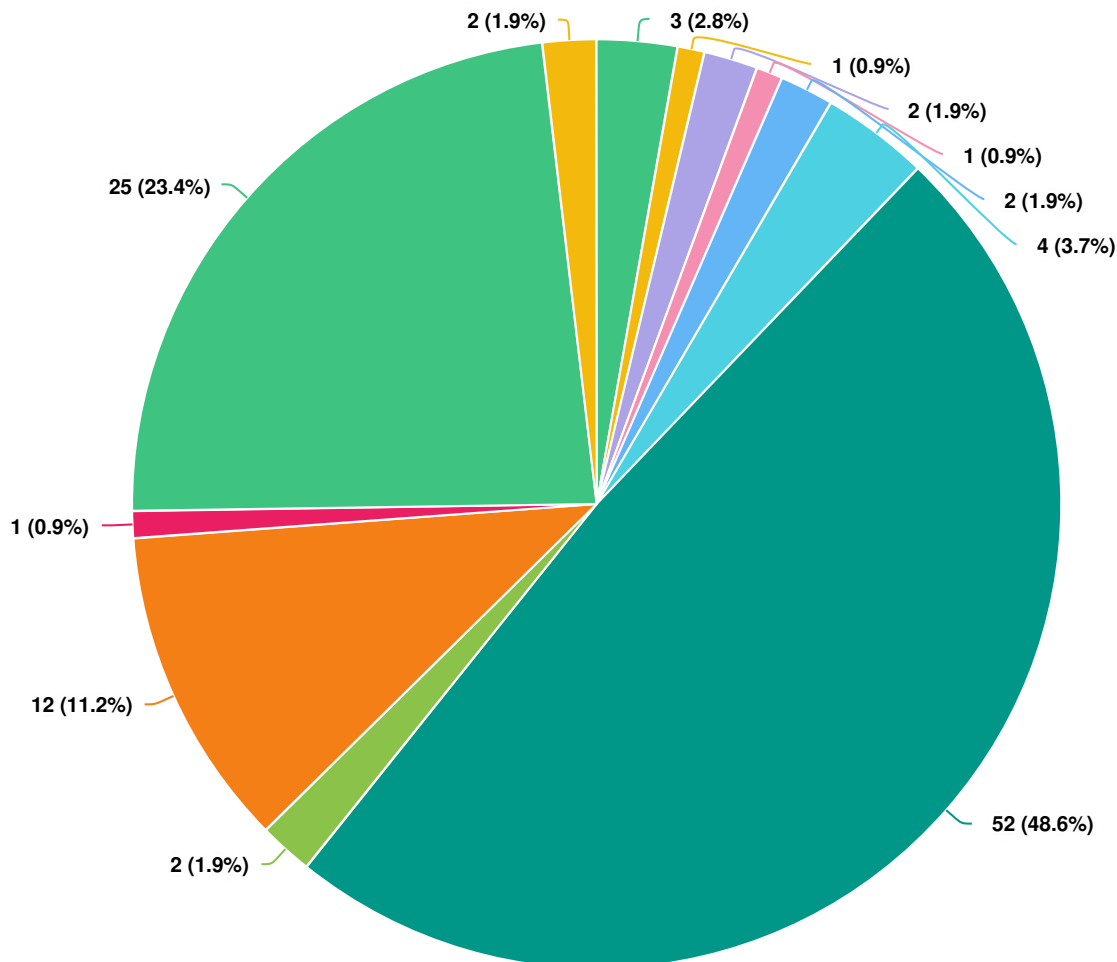
Question options

- Other (please specify)
- Prefer not to say
- Other
- None
- Muslim
- Hindu
- Christian
- Atheist

Optional question (110 response(s), 12 skipped)

Question type: Radio Button Question

Please tell us your ethnic group



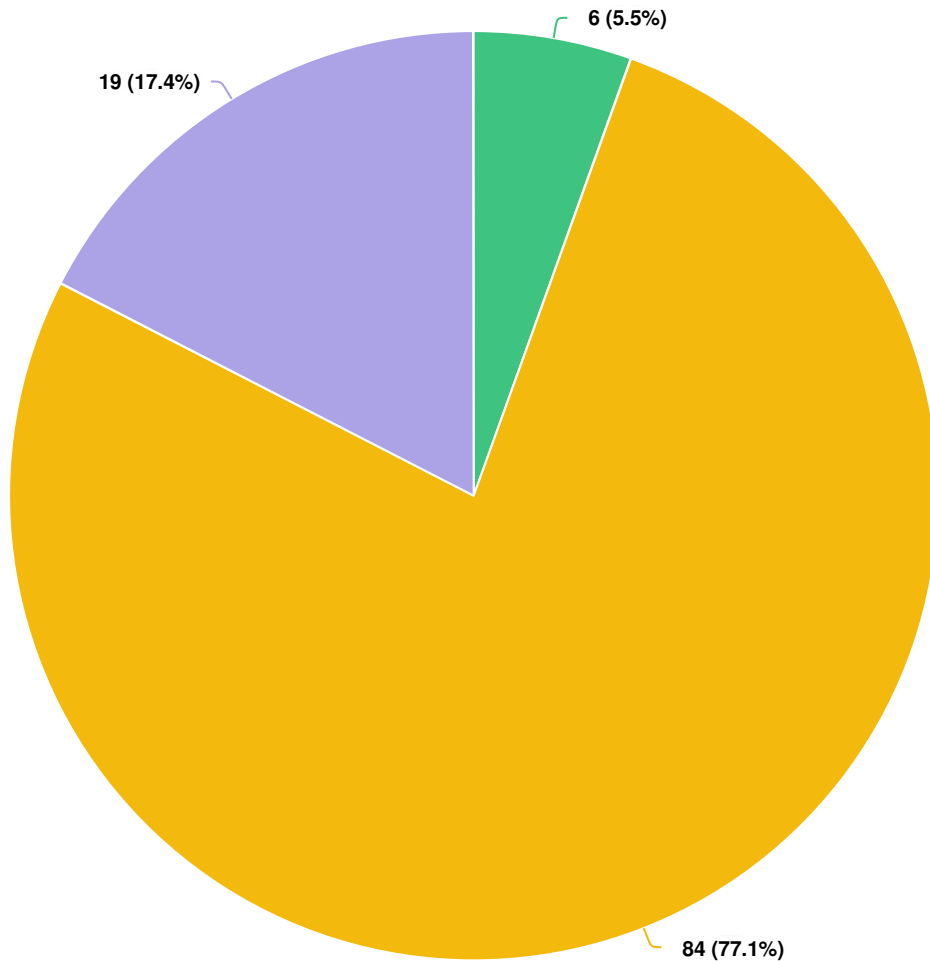
Question options

- Other (please specify)
 Prefer not to say
 Other - Arab
 Other White background
 White - Irish
- White - British, English, Northern Irish, Scottish or Welsh
 Other mixed background
 Black or Black British - Caribbean
- Black or Black British - African
 Asian or Asian British - Pakistani
 Asian or Asian British - Indian
- Asian or Asian British - Chinese

Optional question (107 response(s), 15 skipped)

Question type: Radio Button Question

Do you consider yourself to be a Disabled person?



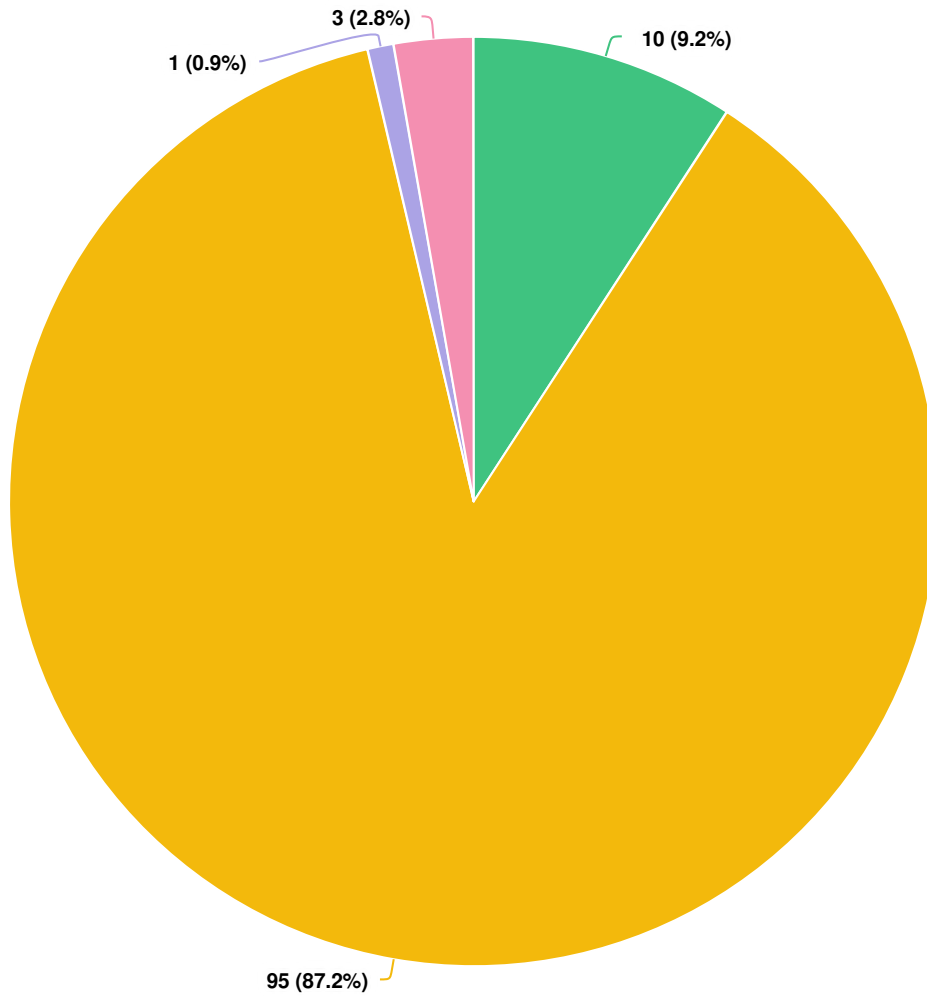
Question options

- Prefer not to say
- No
- Yes

Optional question (109 response(s), 13 skipped)

Question type: Radio Button Question

Did you or do you have any difficulties accessing our services or communications?



Question options

- Other (please specify)
- Option 3
- No
- Yes

Optional question (109 response(s), 13 skipped)

Question type: Radio Button Question

APPENDIX 3

Air Quality Action Plan 2025-30: post-consultation change tracker

Summary

This document summarises the key changes that have been made to the draft version of the council's Air Quality Action Plan 2025-30 following the public consultation and steer from senior officers and Cabinet Members.

This is split into three:

1. A summary of the changes made to the document as a whole following public consultation
2. A granular tracker showing changes made to the action plan matrix (the second half of the AQAP)
3. A summary of the changes made to the post-consultation document following steer from Cabinet Members.

This document will be included or appended to the cover report for the AQAP, and a public facing version will also be included in the consultation response document (in a 'you said, we did' style) that will be published alongside the final AQAP.

1. Key changes to the AQAP as a whole following public consultation:

- Included new one page primer at the very start of the document, to increase the AQAP's accessibility
- Included a new executive summary
- Included a new section setting out the structure of the AQAP
- Included new section on synergies between our work on air quality and our work on climate change and ecology
- Changed the ordering of the AQAP into two parts: 1. The context of air pollution in Hammersmith & Fulham; 2. The Action Plan itself
- Updates to the section on pollution sources in the borough for clarity and readability
- Introduced a new section of a checklist of actions that can be immediately taken by residents / community groups, businesses and schools to help join our coalition for clean air

2. Change tracker for the Action Plan matrix of the AQAP:

Action ID	Action relates to	Summary of key changes	Justification
1	Planning: Air Quality Assessments	Added requirement for AQAs to have regard for WHO guidelines	H&F and GLA have set targets to meet WHO guidelines for AQ; this change aligns the action with our wider targets. National objectives are no longer considered to be adequate to minimise and mitigate adverse impacts of development on

			health.
2	Planning: Non Road Mobile Machinery (NRMM) enforcement	Added requirement that all NRMM used on development sites will be Stage V	Stage V is the most advanced and least polluting emissions class of NRMM. This aligns H&F with the Central Activity Zone in Central London and shows our ambition in reducing emissions from construction and development sites.
3	Planning: reducing emissions from buildings	<p>Added expectation of zero emissions to air from new developments – essentially ensuring that gas boilers are no longer a default option.</p> <p>Added requirement that use of diesel back up generators should only be by exception and that a valid strong justification for their use (over battery sources and secondary main sourced) is required.</p> <p>A number of additional elements added to build out the expectation around zero emissions to air and moving away from combustion plant e.g Gas boilers , CHP, Diesel Generators</p>	<p>This is a logical strengthening of this action given H&F's ambitions for net zero and WHO Air Quality guidelines for AQ.</p> <p>While the H&F local plan (and SPDs) will be updated in the lifetime of the AQAP, the National Planning Policy Framework 2023 (para 192) gives us the authority to include these requirements in our AQAP and for this to be a material consideration for planning decisions.</p>
6	Planning: green space and infrastructure	Included additional requirements for use of 'AQ positive' species and planting	Slight tightening of previous wording
7	Planning: Smoke Control Area	Added that default position that applications for any developments with wood burning / solid fuel burning will be refused	Strengthening previous wording: justification is that AQ Neutral GLA guidance suggests that use of wood burning / solid fuel burning is an immediate fail of the AQ Neutral requirements
8	Buildings: Retrofitting existing buildings	Expanded action to include quantifying AQ benefits as well as carbon benefits of major retrofitting schemes	This addition highlights the synergies between AQ and carbon benefits of retrofitting, and will help embed AQ as a KPI in retrofitting projects
9	Buildings: tree planting	Included GLA guidance on tree types of canyons	Ensuring most up to date guidance is available within the Plan
10	Buildings: support for residents	Future proofed action by referencing not just Winter Ready Homes but any	Future proofing action for lifetime of the AQAP

		subsequent projects	
12	Public Health: working with public health function	Included sub-action to include Public Health involvement earlier in AQ project initiation. Included details of the Better Air Better Health partnership	Earlier involvement and engagement with PH colleagues will allow H&F to take a more health outcomes focused approach to project development and delivery.
13	Indoor AQ	Strengthening this action to include the various actions we may take in this area. Included a commitment to finding alternative funding for the LHAMP project (initially funded by Defra before all funding was withdrawn) Adding a new sub-action around ensuring indoor air quality emissions are minimised in the new Civic Campus.	Indoor air quality is a priority for the council, and this action now reflects the variety of actions and policies we may take forward.
14	Businesses and AQ	Included new actions around reporting on businesses undertaking air pollution footprinting, and exploring opportunities to support businesses with commercial kitchens to reduce associated emissions.	Wording strengthened to be more ambitious
15	AirTEXT	Strengthened the wording to include a commitment to working with healthcare partners to increase the uptake of airTEXT subscriptions	Strengthened to reflect the closer working ties we are seeking to make with healthcare organisations and partners across the borough.
16	New action: School Streets	New action to reflect this council priority	New action to reflect this council priority
18	Schools AQ work	Strengthened wording to include delivery of Mayor's Air Quality Fund money and wider School Streets Plus work. Included new commitment to joining GLA's school filtration programme.	New details reflecting the funding we have received in this area
24	Fuel poverty	Tightened wording to reflect new projects	Updated to reflect new projects

25	Collaborating with public health and academic partners	Updated to reflect Better Air Better Health partnership	Updated to reflect Better Air Better Health partnership
26	Procurement policies	Included wording on working around circular economy and opportunities for co-working and co-benefits	Circular economy is another lever which the council has to influence council and contractor behaviour that could have a positive impact on air quality
28	Emissions from borough fleet	Included new reporting requirement on the use of car/vehicle sharing and use of cargo bikes, e-bikes etc by council services	This additional reporting requirement strengthens this action, requiring the council to report on the use of innovative technologies and policies to reduce emissions from the borough's fleet
31	Clean Air Neighbourhoods	Strengthened wording following success of CLEAN trials	Updated to reflect changes since the consultation version of the AQAP
32	Transport and AQ policies	Wording tightened to reflect forthcoming council Transport Strategy	Updated to reflect forthcoming work
35	Parking policies	Reporting indicators changed to reflect new policies	Updated to reflect forthcoming work
38	Working with GLA / TfL	Inclusion of GLA's school filtration programme as a reporting requirement	Updated to reflect forthcoming projects
39	Monitoring AQ	Strengthened to include new requirement for completing and reporting on our air quality footprint emissions.	Updated to reflect more ambitious forthcoming work

3. A summary of the changes made to the post-consultation document following steer from Cabinet Members

- Amendment to the title of the AQAP from the consultation version (2024-29) to a new version (2025-30) to reflect the adoption date of the Plan.
- Amendments to the main body of the text related to:
 - Further highlighting the links between air quality and health
 - Adding in narrative around achievements made in priority areas such as parking and school streets
- A strengthening of wording in actions related to a number of policy priority areas:
 - School streets (Action 16 and 18)
 - Parking policy (Action 35)
 - Bonfires and wood burning (Action 7)
- An updating of wording in actions related to policy areas that have moved forward since the public consultation
 - Added in details related to the Council's 2024 adopted Net Zero Parking Strategy

- Added in details related to the Council's forthcoming new Local Plan

ENDS

Appendix 4 - LBHF Equality Impact Analysis Tool

Conducting an Equality Impact Analysis

An EqIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative or unlikely to have a significant impact on each of the protected characteristic groups.

The tool has been updated to reflect the new public sector equality duty (PSED). The Duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- 1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;**
- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against the three tenets of the Equality Duty.

General points

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.
5. If you already know that your decision is likely to be of high relevance to equality and/or be of high public interest, you should contact the Equality Officer for support.
6. Further advice and guidance can be accessed via retained HR.

LBHF Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2024/5, Q1
Name and details of policy, strategy, function, project, activity, or programme	<p>Title of EIA: Air Quality Action Plan 2025-30</p> <p>Short summary: The council's Air Quality Action Plan 2025-30 (hereafter AQAP) is a statutory document produced by the council as part of its legal requirements as an Air Quality Management Area. The AQAP, which has been subject to public consultation and consultation with statutory stakeholders including the GLA, TfL, and the Environment Agency, covers a range of actions the council will take over the next five years to improve air quality across the borough.</p>
Lead Officer	<p>Name: Adam Webber</p> <p>Position: Air Quality Policy and Strategy Lead</p> <p>Email: adam.webber@lbhf.gov.uk</p> <p>Telephone No: n/a</p>
Date of completion of final EIA	20 / 05 / 24

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Section 02	Scoping of Full EIA								
Plan for completion	<p>Timing:</p> <p>Resources:</p>								
Analyse the impact of the policy, strategy, function, project, activity, or programme	<p>Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral or negative impact on equality, giving due regard to relevance and proportionality.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Protected characteristic</th> <th style="width: 60%;">Analysis</th> <th style="width: 20%;">Impact: Positive, Negative, Neutral</th> </tr> </thead> <tbody> <tr> <td>Age</td> <td>Air pollution disproportionately affects various protected characteristic groups: this includes the elderly and the young. For example, air pollution is conclusively linked to asthma prevalence in young people, and the exacerbation of COPD</td> <td>POSITIVE</td> </tr> </tbody> </table>			Protected characteristic	Analysis	Impact: Positive, Negative, Neutral	Age	Air pollution disproportionately affects various protected characteristic groups: this includes the elderly and the young. For example, air pollution is conclusively linked to asthma prevalence in young people, and the exacerbation of COPD	POSITIVE
Protected characteristic	Analysis	Impact: Positive, Negative, Neutral							
Age	Air pollution disproportionately affects various protected characteristic groups: this includes the elderly and the young. For example, air pollution is conclusively linked to asthma prevalence in young people, and the exacerbation of COPD	POSITIVE							

	(amongst other adverse outcomes) in elderly populations. As such, the actions in the AQAP will have a positive impact on this protected characteristic group.	
Disability	Air pollution disproportionately affects various protected characteristic groups: this includes those with pre-existing health conditions, including those that identify as Disabled. Air pollution has been conclusively linked to the exacerbation of a variety of existing health conditions. As such, the actions in the AQAP will have a positive impact on this protected characteristic group.	POSITIVE
Gender reassignment	The actions in the AQAP will have a positive impact on the health and wellbeing of all those who live in, work in, or visit Hammersmith and Fulham. This means that one conclusion of this EIA would be to record a 'positive' impact on all groups. However, some protected characteristic groups are more disproportionately affected by air pollution than others: for this reason, with regard to relevance and proportionality, the impacts on this specific group are considered 'neutral'.	NEUTRAL
Marriage and Civil Partnership	The actions in the AQAP will have a positive impact on the health and wellbeing of all those who live in, work in, or visit Hammersmith and Fulham. This means that one conclusion of this EIA would be to record a 'positive' impact on all groups. However, some protected characteristic groups are more disproportionately affected by air pollution than others: for this reason, with regard to relevance and proportionality, the impacts on this specific group are considered 'neutral'.	NEUTRAL
Pregnancy and maternity	Air pollution disproportionately affects various protected characteristic groups: this includes those pregnant. There is an increasing body of evidence linking prenatal exposure to air pollution with fetal, infant, and child health outcomes. As such, the actions in the AQAP will have a positive impact on this protected characteristic group.	POSITIVE
Race	Air pollution disproportionately affects various protected characteristic groups: this includes those from Black, Asian and Multi Ethnic backgrounds. There is London-wide data that conclusively shows that Black Asian and Multi Ethnic and diaspora communities in London are exposed to and live in more polluted areas. As such, the actions in the AQAP will have a positive impact on this protected	POSITIVE

	characteristic group.	
Religion/belief (including non-belief)	The actions in the AQAP will have a positive impact on the health and wellbeing of all those who live in, work in, or visit Hammersmith and Fulham. This means that one conclusion of this EIA would be to record a 'positive' impact on all groups. However, some protected characteristic groups are more disproportionately affected by air pollution than others: for this reason, with regard to relevance and proportionality, the impacts on this specific group are considered 'neutral'.	NEUTRAL
Sex	The actions in the AQAP will have a positive impact on the health and wellbeing of all those who live in, work in, or visit Hammersmith and Fulham. This means that one conclusion of this EIA would be to record a 'positive' impact on all groups. However, some protected characteristic groups are more disproportionately affected by air pollution than others: for this reason, with regard to relevance and proportionality, the impacts on this specific group are considered 'neutral'.	NEUTRAL
Sexual Orientation	The actions in the AQAP will have a positive impact on the health and wellbeing of all those who live in, work in, or visit Hammersmith and Fulham. This means that one conclusion of this EIA would be to record a 'positive' impact on all groups. However, some protected characteristic groups are more disproportionately affected by air pollution than others: for this reason, with regard to relevance and proportionality, the impacts on this specific group are considered 'neutral'.	NEUTRAL

Human Rights or Children's Rights

If your decision has the potential to affect Human Rights or Children's Rights, please contact your Equality Lead for advice

Will it affect Human Rights, as defined by the Human Rights Act 1998?

Yes/ No

Will it affect Children's Rights, as defined by the UNCRC (1992)?

Yes/ No

Section 03

Analysis of relevant data

Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data

	and information and where possible, be disaggregated by different equality strands.
Documents and data reviewed	<p>Baseline data:</p> <p>Air pollution data: The London Air Quality Network; the London Atmospheric Emissions Inventory; H&F’s own annual status reports on pollution</p> <p>Health impacts of pollution data: There are two key documents with many other sources that have also been considered. The UK Government’s guidance on this matter provides a useful overview Health matters: air pollution - GOV.UK (www.gov.uk); the Royal College of Physician’s ‘Every Breath We Take’ report is equally exhaustive Every breath we take: the lifelong impact of air pollution RCP London</p> <p>Specific data for protected characteristics above that are considered to receive a ‘positive’ impact from the AQAP: Age: See general sources above Disability: See general sources above Pregnancy and maternity: See general sources above, in addition Royal College of Obstetricians and Gynaecologists position paper on pollution and pregnancy outdoor-air-pollution-and-pregnancy-rcog-position-statement.pdf Race: Air Pollution and Inequalities in London - update 2023 London City Hall</p> <p>Consultation data: two key pieces of public consultation data informed the AQAP</p> <ol style="list-style-type: none"> 1. A public consultation on the AQAP itself, running for 12 weeks, with 130 respondents. 2. An Opinium led survey on perceptions of environmental policies including air quality focused policies, with in person surveys (two, with n. of 258 and 278) and an online survey (n. 1989)
New research	None required

Section 04	Consultation
Consultation	The public consultation received 130 responses, with feedback provided on all areas of the AQAP.
Analysis of consultation outcomes	A number of changes were made to the AQAP following the consultation feedback. This includes changes to the structure and layout of the overall Plan, to make it more accessible and user-friendly, and changes to specific actions with the ‘action plan’ section. A public consultation response document, including changes made to the AQAP following public consultation, will be published online alongside the AQAP.

Section 05	Analysis of impact and outcomes
Analysis	The consultation (and the Opinion survey data) showed that all groups that responded want the council to take more action on air quality. There were no direct changes to actions related to protected characteristic groups highlighted by the public consultation responses; changes made to the AQAP following the consultation will have positive impacts on all groups that share protected characteristics.
Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	Changes made to the AQAP following the consultation will have positive impacts on all groups that share protected characteristics. These will be set out in detail in the public facing consultation response document.
Section 07	Action Plan
Action Plan	A public consultation response document, including changes made to the AQAP following public consultation, will be published online alongside the AQAP.
Section 08	Agreement, publication and monitoring
Chief Officers' sign-off	Name: Bram Kainth Position: Strategic Director of Environment Email: bram.kainth@lbhf.gov.uk Telephone No:
Key Decision Report (if relevant)	Date of report to Cabinet/Cabinet Member: 24 / 05 / 24 Key equalities issues have been included: Yes/No
Opportunities Manager (where involved)	Name: Yvonne Okiyo Position: Strategic lead for EDI Date advice / guidance given: 23/05/24 Email: yvonne.okiyo@lbhf.gov.uk Telephone No:



APPENDIX 5

Air Quality Action Plan

2024 – 2029

What is this document?

This is a two-part document which sets out Hammersmith & Fulham's Council approach for improving air quality and protecting health from exposure to air pollution in Hammersmith & Fulham.

The first part of this *Air Quality Action Plan (AQAP)* sets out why tackling air pollution is a key priority for the Council. It explains why air pollution is so harmful to our health, where pollution comes from, how it has changed in the borough over time, and what actions we have taken to date to improve the quality of the air we all breathe.

The second part is the *Action Plan* matrix, which sets out the actions and policies which will be undertaken in the next five years to reduce air pollution across the borough.

This document goes far beyond the legal requirements for councils on air quality, by committing Hammersmith & Fulham to more ambitious *WHO (2021)* air quality standards and including actions to tackle pollution from new sources not usually addressed by local authorities, such as indoor air pollution.

Why does this document matter to you?

- Everyone is affected by air pollution – clean air is important for us all
- This *Air Quality Action Plan 2024-2029* sets out what H&F Council and our partners will do to improve air quality over the next five years
- This Plan also gives you information and suggestions for you, to help you do your bit by reducing emissions in your daily life, as well as helping you protect your own health by avoiding harmful pollution
- This means this *AQAP* is for everyone, whether you live in, work in, go to school in, or simply visit Hammersmith & Fulham.

As this is a statutory document, there is a lot of information in this *Action Plan*. The contents page on the next page can help guide you to find the information that you need.

This *AQAP* was prepared by the *Air Quality Team* of Hammersmith & Fulham Council with the support and agreement of departments across the Council. Following a public consultation, this *AQAP* has been approved by the Leader of the Council and the Cabinet of Hammersmith & Fulham Council.

This *AQAP* will be subject to an annual review, appraisal of progress and reporting to the relevant Council Committee.

Progress each year will be reported in the *Annual Status Reports* produced by Hammersmith & Fulham, as part of our statutory *London Local Air Quality Management* duties.

If you would like to contact us about this document, please get in touch with our *Air Quality Team* at:

Air Quality
Hammersmith & Fulham Council
King Street
Hammersmith
W6 9JU

Email: AQAP@lbhf.gov.uk

Contents

Title of first Section

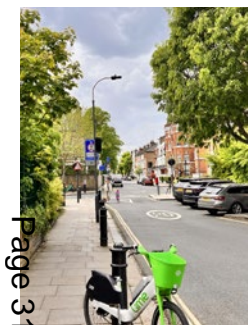
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This document goes far beyond the legal requirements for councils on air quality, by committing Hammersmith & Fulham to more ambitious WHO (2021) air quality standards



Forewords

“Hammersmith & Fulham sits in the basin of the Thames Valley. On some days the air quality is perilous.

Dirty air causes cancer, strokes, heart disease and dementia. It is particularly bad for young children, causing a detrimental effect on brain development, stunted lungs and damage to developing organs. It is bad for the old, and those with pre-existing health conditions. It disproportionately affects vulnerable people, poorer people, and those from Black, Asian, and Minority Ethnic groups.

Nobody would willingly drink a glass of dirty water. Yet roughly 18 times each minute we do just that. We breathe in contaminated, poisonous air.

Pollution comes from the vehicles on our roads, the gas boilers in our buildings, the dust from construction and development work across our borough and beyond.

There is no safe level of air pollution, and that’s why we in H&F have committed to meeting the World Health Organisation 2021 guideline values for air quality by 2030 - which are far more ambitious than those set out for us by central government.

We can’t just focus on the outside world. Indoor air pollution is a newer concern – air indoors can be just as polluted as outdoors.

This action plan rises to the new challenge, committing us to tackle pollution inside our homes and offices and schools.

Tackling dirty air and our ambitions for a net zero by 2030 go hand in hand. Reducing carbon emissions, improving biodiversity and ecology across the borough, and improving the quality of our air are all key priorities for the council.

To measure the effects of the actions we’re taking, we have installed the largest hyper local *Breathe London* air quality monitoring network in London.

That has enabled us to see how pollution has dropped in the *Clean Air Neighbourhood* streets of South Fulham where commuter traffic has been removed.

Finally, we know that we cannot tackle this issue alone. Our New *Better Air Better Health* partnership brings us together with our partners in healthcare, academia and beyond. We want to show leadership, to inspire and encourage action from everyone in the borough.

Only by residents, community groups, schools, businesses, universities and hospitals working together, can we improve the air we breathe and the health and wellbeing of everyone who lives in, works in, or visits our great borough.”

Steve Cowan
Leader of the council



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Name to follow
Director of Public Health

and

Name to follow
Better Air, Better Health partners
(Imperial College London & Imperial NHS Trust)



Executive Summary

Our new *Air Quality Action Plan 2024-29* sets out Hammersmith & Fulham's vision for a borough with cleaner air, and improved health and wellbeing for all. It is part of the Council's *Climate and Ecological Strategy 2021-2030*.

This plan will help us protect the health and wellbeing of the people who live, work in and visit the borough from the effects of air pollution, and to promote healthy living by protecting children and families from filthy air.

Air pollution affects all of us before we are even born to our last years. Young or old, in good health or with existing health issues. Improving air quality is a key priority for the council as part of its commitment to improving the environment and our commitment to public health and wellbeing, and this *Air Quality Action Plan (AQAP)* sets out what we are going to do and achieve in the next five years to make our vision of a cleaner, healthier borough a reality.

As well as affecting our health, air pollution damages the economy, increasing sick days and illnesses as well as being a burden on the NHS and our social care systems.

This AQAP has been produced as part of our duty to *London Local Air Quality Management*. It builds upon our past successes and outlines the further actions we will take to improve air quality in Hammersmith & Fulham between 2024-2029.

This document fulfils our statutory obligations, but it also goes further, because air pollution can still damage our health even at very low concentrations. As a result, as a Council we are committed to meeting the *World Health Organization Air quality (2021)* guidelines for air quality by 2030 – making this *Action Plan* an ambitious document, where bold action can equal hugely positive impacts.

The purpose of this plan is to protect the health and wellbeing of the people who live, work in and visit the borough from the effects of air pollution. It also supports our aim of being the greenest local authority in the country.

We have the following overarching goals:

- Tackling the sources of pollution that the council can control – for example from our own properties and fleet and through our planning policies, our transport polices, highways works and maintenance
- Raising residents' and businesses' awareness of what they can do to reduce their own emissions and how to avoid exposing themselves to existing pollution.
- Lobbying the government to make the changes needed to improve air quality across the country
- Working with the GLA and TfL to make the improvements needed to reduce pollution in the borough and across London

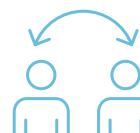
In order to achieve this, we have the following priorities:



1. Provide the necessary infrastructure to enable more active travel, such as walking, wheeling, and cycling.



2. The development of *Clean Air Neighbourhood* projects, including tree planting, sustainable drainage systems and traffic and pollution reduction measures, where supported by residents.



3. Working collaboratively with our partners and stakeholders on innovative policies and projects. Our *Better Air, Better Health* partnership, with Imperial College London and Imperial College Healthcare NHS Trust, is one example of bringing together the public sector with world-class academics and healthcare professionals to jointly tackle the issue of air pollution in new and exciting ways.



4. Support residents and businesses to adopt car-sharing and clean vehicles, utilising H&F's dense electric vehicle charging network.



5. Reduce building emissions by replacing older boilers with clean heat networks and heat pumps, raising residents' and business' awareness of this air pollution source and how they may upgrade to cleaner zero emission heat and power sources, and using the planning system to regulate the installation of new energy plant.



6. Tackling pollution at schools, as well as journeys to and from, by making local improvements and raising awareness of cleaner walking routes.





Abbreviations

AQAP	Air Quality Action Plan	LAQM	Local Air Quality Management
AQMA	Air Quality Management Area	LGV	Light Goods Vehicle
AQO	Air Quality Objective	LLAQM	London Local Air Quality Management
BEB	Buildings Emission Benchmark	NICE	The National Institute for Health and Excellence
CAB	Cleaner Air Borough	NRMM	Non-Road Mobile Machinery
CAZ	Central Activity Zone	OLEV	Office for Low Emission Vehicles
CHP	Combined Heat & Power	PM10	Particulate matter less than 10 micron in diameter
EST	Energy Saving Trust	PM2.5	Particulate matter less than 2.5 micron in diameter
EV	Electric Vehicle	SPD	Supplementary Planning Document
GLA	Greater London Authority	SPG	Supplementary Planning Guidance
GULCS	Go Ultra Low City Scheme	STARS	Sustainable Travel: Active, Responsible, Safe
HGV	Heavy Goods Vehicle	TEB	Transport Emissions Benchmark
LAEI	London Atmospheric Emissions Inventory	TfL	Transport for London

Introduction and structure of this Action Plan

This report outlines the actions that Hammersmith & Fulham Council will deliver between 2024 - 2029 to reduce concentrations of pollution, and exposure to pollution; thereby positively impacting on the health and quality of life of residents and visitors to the borough.

It has been developed in recognition of the legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part and to meet the requirements of the London Local Air Quality Management statutory process ¹.

Air pollution is the largest environmental threat to public health in the UK, and up to 36,000 premature deaths each year are attributable to air pollution exposure – that's 20 times more than the number of deaths caused by road traffic collisions. Hammersmith & Fulham is the tenth worst local authority in England for air pollution - with 7.4% of deaths in 2022 linked to toxic air, according to Public Health England ².

Air pollution carries a huge cost for our health and social care systems; if strong action isn't taken, this is estimated at approximately £5.4bn by 2035, rising to over £18.5bn when costs for diseases and poor health with less robust evidence are included ³.

Finally, air pollution damages the economy through lost productivity and poor health. Defra commissioned research concluded that air pollution costs the UK economy £2.7 billion each year .

The impacts of air pollution are severe and far-reaching, but we're not all affected equally. The risk to our health is a result of our existing health circumstances and the extent to which we are exposed to polluted air. People with health vulnerabilities or increased exposure to air pollution are therefore more likely to experience adverse health outcomes from air pollution. Air pollution also has a disproportionate and inequitable impact upon socio-economically deprived communities and Black, Asian and minority ethnic populations ⁴.

Air pollution is the largest environmental threat to public health in the UK, and up to 36,000 premature deaths each year are attributable to air pollution exposure – that's 20 times more than the number of deaths caused by road traffic collisions.

¹ LLAQM Policy and Technical Guidance | <https://www.london.gov.uk/what-we-do/environment/pollution-and-air-quality/working-boroughs>

² Fraction of mortality attributable to particulate air pollution (new method) in H&F | Fingertips - Public Health Data 2023 | Department of Health and Social Care (phe.org.uk)

³ Valuing the impacts of Air Quality on Productivity | Ricardo AEA | [1511251135_140610_Valuing_the_impacts_of_air_quality_on_productivity_Final_Report_3_0.pdf](https://www.ricardoa.com/1511251135_140610_Valuing_the_impacts_of_air_quality_on_productivity_Final_Report_3_0.pdf) (defra.gov.uk)

⁴ Greater London Authority air quality exposure and inequalities study 2023 | Air Pollution and Inequalities in London - update 2023 | London City Hall

Hammersmith & Fulham's Air Quality Priorities

The purpose of this plan is to protect the health and wellbeing of the people who live, work in and visit the borough from the effects of air pollution. We also have the aim of being the greenest local authority.

We have the following overarching goals:

- Tackling the sources of pollution that the council can control – for example from our own properties and fleet and through our planning policies, our transport policies, highways works and maintenance
- Raising residents' and businesses' awareness of what they can do to reduce their own emissions and how to avoid exposing themselves to existing pollution.
- Lobbying the government to make the changes needed to improve air quality across the country
- Working with the GLA and TfL to make the improvements needed to reduce pollution in the borough and across London

In order to achieve this, we have the following priorities:

- Provide the necessary infrastructure to enable more active travel, such as walking, wheeling, and cycling.
- The development of *Clean Air Neighbourhood* projects, including tree planting, sustainable drainage systems and traffic and pollution reduction measures, where supported by residents.
- Working collaboratively with our partners and stakeholders on innovative policies and projects. Our *Better Air, Better Health* partnership, with Imperial College London and Imperial College Healthcare NHS Trust, is one example of bringing together the public sector with world-class academics and healthcare professionals to jointly tackle the issue of air pollution in new and exciting ways.
- Support residents and businesses to adopt car-sharing and clean vehicles, utilising H&F's dense electric vehicle charging network.
- Reduce building emissions by replacing older gas boilers with clean heat networks and heat pumps, raising residents' and business' awareness of this air pollution source and how they may upgrade to cleaner heat and power sources, and using the planning system to regulate the installation of new energy plant.
- Tackling pollution at schools, as well as journey's to and from, by making local improvements and raising awareness of cleaner walking routes.

We have developed actions that can be considered under seven broad topics:

- Monitoring and other core statutory duties: maintaining monitoring networks is absolutely critical for understanding where pollution is most acute, and what measures are effective to reduce pollution. There are also a number of other very important statutory duties undertaken by boroughs, which form the basis of action to improve pollution;
- Localised solutions: where supported by residents, these seek to promote healthy living and improved air quality through *Clean Air Neighbourhood* measures including: traffic and pollution reduction trials, sustainable drainage systems, tree planting, schools streets initiatives and improved infrastructure for walking and cycling;
- Emissions from developments and buildings: it is modelled that emissions from buildings will soon overtake transport emissions as the single biggest source of NOX emissions in the borough. Tackling emissions from buildings also results in co-benefits to our work reducing carbon emissions across H&F;
- Public health and awareness raising: increasing awareness can drive behavioural change to lower emissions as well as to reduce exposure to air pollution;
- Delivery servicing and freight: vehicles delivering goods and services are usually light and heavy duty diesel-fuelled vehicles with high primary NO2 emissions;
- Borough fleet actions: our fleet includes light and heavy duty diesel-fuelled vehicles such as mini buses and refuse collection vehicles with high primary NO2 emissions. Tackling our own fleet means we will be leading by example;
- Cleaner transport: road transport is the main source of air pollution in London. We need to incentivise a change to walking, cycling and ultra-low emission vehicles (such as electric) as far as possible.

Our priorities are to tackle the sources of emissions that the council has control over, raising public awareness of air pollution, and lobbying the government to make the necessary widespread changes needed to improve air quality.

You will see in this report that we have worked hard to engage with stakeholders and communities which can make a difference to air quality in the borough. We would like to thank all those who have worked with us in the past and we look forward to working with you again as well with new partners as we deliver this new action plan over the coming years.

In this AQAP we outline how we plan to effectively use local levers to tackle air quality issues within our control.

However, we recognise that there are many air quality policy areas that are outside of our influence (such as Euro standards, national vehicle taxation policy, taxis and buses), and so we will continue to work with and lobby regional and central government on policies and issues beyond Hammersmith & Fulham council influence.



Structure of the Hammersmith & Fulham Air Quality Action Plan 2024-29



Chapter 1: Air Quality in Context

Why we have introduced this new *Action Plan*. This includes a section of the impacts of air pollution on health, our statutory duties on air quality, and the links between air quality and our other crucial work on climate change and ecology.



Chapter 4: The next five years - the Action Plan Matrix

The actions, outcomes, policies and projects that we are committing to undertaking during the lifetime of this Action Plan to help improve the health and wellbeing of everyone who lives in, works in, or visits Hammersmith & Fulham.



Chapter 2: Air Quality in Hammersmith & Fulham

Where pollution in Hammersmith & Fulham comes from, how it has changed over time, and how we monitor, measure and model air pollution in the borough.



Chapter 5: Further information

More information and links to further reading and guidance on this topic. This includes a brief summary of actions you can take right now if you are a resident, business or school.



Chapter 3: What we have achieved so far

A summary of some of the achievements and successes in improving air quality in the borough over the last five years.

Chapter 1 Air Quality in context



Report to: Full Council

Date: 22/01/2025

Subject: Update on '*Upstream London*': the vision for the next phase of the Council's Industrial Strategy

Report of: Councillor Andrew Jones, Cabinet Member for the Economy

Report author: David Pack, Strategic Head – Economic Growth

Responsible Director: Bram Kainth, Executive Director of Place

SUMMARY

This report which will be considered by Cabinet on 10 February 2025 provides Full Council with an update on the development of the next phase of the Council's pioneering Industrial Strategy: *Upstream London*, launched in late November at an event at the new WEST Youth Zone in White City. The goal is to make the borough a global hub of innovation and inclusive growth.

It follows the establishment of a partnership with world-leading Imperial College London in 2017 to establish a cluster of science, technology, engineering, maths, medicines and media (STEM³) businesses around Imperial's existing research and development to create a world-leading economic ecosystem in future industries.

The Council has now set a clear strategy to grow a localised economic ecosystem, with a focus on the sectors that are set to grow and that are deemed right for the local area. This comes at a time when the Greater London Authority is developing their London Growth Plan, set to launch in January 2025.

Since the inception of our Industrial Strategy, the Council has helped to generate £6billion of high-growth business investment, creating over 13,000 jobs, increasing opportunities in the community through working closely with partners including anchor institutions, businesses and investors.

At the same event and as a central part of *Upstream London*, the Council also launched the *Upstream Pathway Bond*, a groundbreaking initiative giving people a clearer pathway into new careers and more opportunities to develop new skills.

By utilising relationships with businesses and with the international partnerships the Council has developed, young people will have more opportunities than ever before.

Organisations who sign up offer advice, work experience, apprenticeships, interview skills, mentoring and inspiration - even travelling abroad to experience our partner innovation districts. In return, businesses have a highly-skilled workforce on their doorstep.

This report covers a 'white paper' vision document launched at the late November event mentioned above; structures put in place to ensure a 'whole Council' approach

to delivery, with appropriate Member oversight; proposals for staff engagement; and the intention to put in place a delivery plan.

RECOMMENDATIONS

That Council:

1. Notes the publication of the recently launched Upstream London ‘white paper’ vision document.
2. Notes the intention to develop and cost a delivery plan.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Corporate Plan and the H&F Values
Building shared prosperity	The principle of enabling economic growth that benefits all in our communities is at the heart of the <i>Upstream London</i> vision.
Creating a compassionate and inclusive council	Taking an inclusive approach to economic growth – not least through the Upstream London Pathway Bond – is a key feature of the <i>Upstream London</i> vision.
Doing things with local residents, not to them	Input of residents, particularly young people, has helped to shape Upstream London, notably the Pathway Bond element.
Being ruthlessly financially efficient	As a partnership vision including key anchor institutions and business, Upstream London will be delivered not only through existing and proposed Council-led activity, but also by contributions from partners.
Taking pride in H&F	Upstream London will help to position H&F as a exemplar of ‘entrepreneurial municipal government’, leading the way in driving inclusive economic growth.
Rising to the challenge of the climate and ecological emergency	Tackling the climate and ecological emergency runs through the Upstream London vision, with various proposed deliverables also supporting it.

Financial Impact

This report asks Full Council to note the recently launched Upstream London ‘white paper’ vision document and that the detailed associated delivery and investment plan is being developed. An initial sum of £0.3m will be allocated in 2025/26 to continue this work with the business sector and our partners. This investment is expected to be endorsed by Council in February 2025 as part of the approval of the annual revenue budget for 2025/26.

Kellie Gooch, Head of Finance (Place), 16 December 2024

Verified by James Newman, Assistant Director – Finance (Deputy S151 Officer), 16 December 2024

Legal Implications

This report asks Full Council to note the publication of the Upstream London White Paper and the intention to develop a delivery plan. There are no legal implications at this stage.

Angela Hogan, Chief Solicitor (Contracts and Procurement) 16 December 2024

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

Background and Proposal

1. The Council’s Industrial Strategy was launched in 2017 and has helped create an environment in which more than £6bn in growth investment has been secured by businesses in key growth sectors and some 13,000 jobs have been created – providing a wide range of opportunities for residents.
2. Drawing on the many lessons learned from this approach – underpinned by an ‘entrepreneurial municipal government’ culture that aims to win investment – work is now underway to take the Strategy into its next phase, to be badged *Upstream London*.
3. Launched at an event hosted by the Leader of the Council on 28 November and including speeches by Baroness Taylor of Stevenage (Parliamentary Under-Secretary of State at the Ministry of Housing, Communities and Local Government and Lords Minister for Housing and Local Government) and Hugh Brady, President of Imperial College London, the vision for *Upstream London* sets the direction of travel the Council will take to ensure economic growth is inclusive and improves the lives of everyone in our community.
4. The event provided an opportunity to launch a ‘white paper’ vision document (see Appendix One) to an audience including: businesses; London, regional and central government stakeholders; community organisations and public sector partners; and a range of other external bodies.

The next phase of our strategy to achieve inclusive economic growth

5. The 'white paper' vision document at Appendix One is shaped around three key pillars agreed by lead Members as the focus for Upstream London:
 - a. **Pathways** - *We create pathways for businesses to invest whilst ensuring that the growth and opportunities generated flow through to residents – from courses where you can learn new skills to jobs for the future.*
 - b. **Place** – *Located upstream of central London and the City, we are a place where innovation thrives, where ideas that are upstream of current thinking become a reality. We take an adaptive approach to planning to enable development and economic growth for the benefit of everyone.*
 - c. **Partnerships** - *We build lasting partnerships with organisations in the borough, in London and internationally to ensure a collaborative approach to economic growth with opportunities flowing to all.*
6. Also launched alongside the wider vision was the Upstream London Pathway Bond, a new partnership with business. By signing up, businesses commit to the principles of providing good jobs, fair wages and skills of the future – and those who sign up will offer a suite of opportunities to the local community enabling people to follow a pathway into new skills, new careers and the jobs of the future.
7. An element of note under the Partnerships pillar is the work underway to establish and develop 'Co-operative Growth Partnerships' building on a series of memoranda of understanding with localities in the UK and around the world. These partnerships aim to learn from challenges, share new strategies, tactics and solutions and to develop evidence-based road maps for inclusive economic growth. As set out in the white paper vision document at Appendix One, the intention is to host an international innovation districts convention – funded by sponsorship – in late 2025 or early 2026, at the Civic Campus and other private facilities across the borough.

New governance structures to steer delivery

8. To oversee delivery of *Upstream London* as it develops, and to ensure it meets the aims articulated in the white paper vision document, an officer-level Upstream London Delivery Board has been meeting monthly since September 2024. This in turn reports into an Upstream London Political Oversight Group.
9. These structures have been designed to secure a 'whole Council' approach, a firm grip of the Strategy and its delivery and a structured mechanism for Member oversight and steer.
10. Membership of the officer-level Delivery Board – chaired by the Executive Director of Place – includes relevant Director level representation from across the Council.

11. The Delivery Board's Terms of Reference set out specific roles and responsibilities, which sit underneath two key areas of focus:
 - i. *Vision/strategy* – working alongside Members to develop and hone the strategy itself and the vision supporting it as it relates to discrete areas of the Council's core services.
 - ii. *Delivery* – ensuring Council services align, where appropriate, with the *Upstream London* and contribute to meetings its goals, delivering at pace with clear indicators of progress.
12. The Upstream London Political Oversight Board is chaired by the Leader and involves the Deputy Leader and the Cabinet Members for the Economy and for Enterprise & Skills, and the Industrial Strategy Ambassador. The Executive Director of Place and the Assistant Director, Economic Development attend as lead officers.
13. Its Terms of Reference focus on three key areas of focus:
 - i. *Vision/strategy* – developing and honing the strategy itself and the vision supporting it as it relates to discrete areas of the Council's core services.
 - ii. *Delivery* – ensuring progress against a delivery plan at pace, providing steer, challenge and guidance on prioritisation.
 - iii. *Strategic steer/oversight* – covering *Upstream London* narrative; messaging; external communication; and related public affairs issues.
14. In addition to the two internal structures above a Strategic Advisory Board comprising external stakeholders is being developed. This Board will bring together high-profile voices who are from or have stakes in the borough to supply external expertise and support communications and promotional activity.

A delivery plan

15. To take the broad aspirations articulated in the 'white paper' vision document launched on 28 November and translate them into activity, an outline delivery plan is in development, covering the period to end March 2026.
16. This plan will comprise a series of strategic objectives grouped by the three pillars of Upstream London listed in para. 5, each objective supported by specific deliverables.
17. Informed by discussions at the officer-level Delivery Board and incorporating amendments to respond to feedback from the Political Oversight Board, the delivery plan will include activities led by officers across the Council. The intention is for it to be the mechanism for tracking, reporting and communicating progress – and troubleshooting challenges.
18. Most of the deliverables in development will be covered by existing budgets and officer capacity. However, several will require additional resource. Any proposals

for additional resource will require separate reports and these will include detailed financial implications for approval by the relevant decision maker in accordance with the Council’s governance arrangements.

Engaging Council staff and external partners in Upstream London

19. In developing *Upstream London* as the next phase of the Council’s Industrial Strategy – and to underline its importance as a ‘whole Council’ endeavour – a programme of ‘roadshowing’ at departmental management team meetings and other fora (plus any relevant all-staff events) will be delivered. A set of slides – being developed to engage all staff in *Upstream London* and explain the White City Innovation District and the Council’s ongoing involvement in that - will form the basis of these sessions.
20. Officers will also work up a similar approach to maintain and deepen engagement of key external stakeholders with the aim of aligning and shaping relevant activity in the borough to align with the Upstream London vision for inclusive economic growth.

Reasons for Decision

21. Taking forward the Council’s Industrial Strategy into its next phase as *Upstream London* will allow the Council to draw on lessons learned from taking ten key actions during the delivery of the Strategy to date, as outlined in the white paper vision document. These are:

1. Setting a clear mission-led strategy to grow a localised economic ecosystem	6. Providing targeted business support and advice
2. Developing an ‘entrepreneurial municipal government’ culture which acts to win investment	7. Attracting venture builders and offering entrepreneurs access to a range of business investors.
3. Taking an ‘adaptive’ approach to planning	8. Aligning education and skills opportunities to the local industrial strategy.
4. Building economic growth partnerships with universities, the NHS and other anchor institutions.	9. Building education and youth facilities at the heart of the innovation district.
5. Place-making to transform the Borough	10. Establishing international co-operative growth partnerships with innovation districts in other democracies and elsewhere in the UK

22. These actions inform how activity under the three pillars of Partnerships, Place and Pathways will be delivered and will in turn inform proposed objectives and deliverables to be set out in the delivery plan.
23. Having this agreed vision and accompanying delivery plan in place will enable the Council to take its approach to inclusive economic growth into its next phase, with the aim of achieving economic growth that benefits all our residents.

24. Crucially, by setting out the *Upstream London* vision and the accompanying delivery plan, the Council will be well placed to address – in a local government setting - many of the challenges set out in the Government’s national industrial strategy.
25. The objectives set out in the Government’s strategy align closely with those of Upstream London, focusing on ensuring long-term sustainable growth in the UK’s highest potential growth-driving sectors. The aspirations set out in the Upstream London vision and delivery plan have the potential to play a significant role in achieving the Government’s vision at the UK level.

Equality Implications

26. There are neutral to positive equality implications for groups with protected characteristics, under the Equality Act 2010, in the Upstream London vision or delivery plan. An Equality Impact Assessment (EIA) has been completed – see Appendix Two - and will be kept under review during the implementation of this vision.
27. The Upstream London Pathway Bond is likely to have positive impacts on young people and those struggling to access skills support and routes into good jobs. Other measures in the delivery plan in development are likely to have positive impacts on young people and adults with Special Educational Needs and Disabilities (SEND) and on Care Leavers.

Yvonne Okiyo, Strategic Lead Equity, Diversity and Inclusion, 16 December 2024

Risk Management Implications

28. The report sets out that the Council will seek to implement and deliver its ambitious vision, Upstream London, as part of the Council’s Industrial Strategy, to attract significant inward high growth business investment, to create significant employment opportunities and to increase opportunities for local communities through working with partners, including anchor institutions, businesses and investors.
29. In formulating the delivery plan, officers will need to consider the resources required to implement the plan, to document, track and report on the benefits and risks associated with delivering the plan, and to have appropriate internal and external governance and oversight arrangements in place involving key stakeholders.

David Hughes, Director Audit, Fraud, Risk and Insurance, 16 December 2024.

Climate and Ecological Emergency Implications

30. There are no specific anticipated climate and ecological emergency implications as a result of the publication of the *Upstream London* white paper vision document. However, the document cites a key lever at the Council's disposal – the Local Plan – and the intention for that to align with local climate commitments. It also notes an aspiration to promote implementation of climate tech innovations within the borough and recognises the borough's strength as a location for attracting climate tech innovators and as an existing centre for the green economy.
31. Various specific deliverables will support and align with the Council's Climate & Ecology Strategy 2030.

Hinesh Mehta, Assistant Director of Climate Change, 16 December 2024

Procurement implications

32. Once costing of the delivery plan is confirmed, any procurement arising will require separate procurement strategies to be agreed. There is a requirement of the Council to ensure that any procurement undertaken under the Procurement Act 2023 (the "Act") considers that different treatment is justified in a particular case, the authority must take all reasonable steps to ensure it does not put a supplier at an unfair advantage or disadvantage. This should be kept under consideration when seeking to build lasting partnerships with organisations in the borough. Additionally, the Act requires the Council to have regard to how any barriers to participation for small and medium-sized enterprises can be removed or reduced, and Upstream London seeks to support that requirement through its delivery.

Chris Everett, Category Lead – Place, 16 December 2024

Consultation

33. In shaping the pillars supporting the *Upstream London* white paper vision document stakeholder input was sought from selected local businesses, Imperial College London, government stakeholders and relevant think tanks.

LIST OF APPENDICES

- Appendix 1 – Published Upstream London document
- Appendix 2 – Equalities Impact Assessment

↑UPSTREAM LONDON

The Innovation Borough: Accelerating Inclusive Growth

The second phase of Hammersmith & Fulham Council's strategy to achieve economic growth across the Borough and beyond

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Prema Gurunathan,
Managing Director
- *Upstream London
Nexus* (formerly known
as *Upstream*)

Executive Summary

Upstream London is the second phase of Hammersmith & Fulham Council's mission-led strategy to achieve high economic growth across the Borough and beyond.

We are working hard to transform the Borough into a global beacon of innovation and growth, not just for businesses located here but for the local community too. Just as the Borough is upstream of central London and the City, we want Hammersmith & Fulham to be a place where innovation upstream of current thinking becomes a reality.

The Council launched a unique local industrial strategy and innovation district with *Imperial College London (Imperial)* in July 2017.¹ The aim of the first phase of this strategy was to create a cluster of science, technology, engineering, maths, medicine and media (STEM³) businesses around Imperial's impressive research and development to create a world-leading economic ecosystem in future industries. Since then, we have helped to:

- **ATTRACT** £6 billion of high-growth business investment;
- **CREATE** over 13,000 jobs; and
- **INCREASE** opportunities in our community, through working closely with partners including anchor institutions, businesses and investors.

This approach has seen significant investment into the sectors we believe will define the future of the economy, society and the planet, many of which have been identified as growth sectors in the Government's new national *Industrial Strategy*.² Our Borough has seen growth in the jobs and careers of the future in life sciences, climate tech, cyber security, AI, fintech, the creative industries, digital, defence tech, TV and film and a number of other sectors. We focus in particular on what are known as 'long cycle' industries, that will be important for decades to come.

We developed, and continue to grow and promote, an 'entrepreneurial municipal government' team culture. This is focussed on attracting investment and bringing organisations and people together who can help deliver economic growth for all. It goes far beyond traditional council strategy and means everyone at our council plays a key role in delivering our vision.

This document details the insights we have taken from our experience of supporting exponential local economic growth during the past seven years, both to celebrate these successes and to ensure we, our partners and our colleagues at other local authorities have the opportunity to learn from our journey. Some of these insights - our experience of what does and does not work - could be viewed as a blueprint, with elements that could be applied successfully elsewhere.

“ We are working hard to transform the Borough into a global beacon of innovation and growth ”



New civic campus in King Street, Hammersmith

Through our experience, we have seen the benefits of taking the following ten actions:

- 1. SETTING** a clear mission-led strategy to grow a localised economic ecosystem, with a focus on the sectors that are set to grow and that are right for the local area.
- 2. DEVELOPING** an 'entrepreneurial municipal government' culture which acts to win investment.
- 3. TAKING** an 'adaptive' approach to planning: changing planning guidelines to attract R&D-led academic and public anchor institutions, while offering entrepreneurs affordable flexible start-up and scale-up space.
- 4. BUILDING** economic growth partnerships with universities, the *NHS* and other anchor institutions.
- 5. PLACE-MAKING** to transform the Borough, ensuring it continues to be a place people want to live and work.
- 6. PROVIDING** targeted business support and advice, as we have with *Upstream*, via a joint partnership with *Imperial*.
- 7. ATTRACTING** venture builders and offering entrepreneurs access to a range of business investors.
- 8. ALIGNING** education and skills opportunities to the local industrial strategy.
- 9. BUILDING** education and youth facilities at the heart of the innovation district.
- 10. ESTABLISHED** international cooperative growth partnerships with innovation districts in other democracies and elsewhere in the UK so that we can share learning, support mutual investment and offer new opportunities to our people.

In this document we also outline our vision for the second phase of our strategy, *Upstream London*, and the direction of travel we want to take as we aim to ensure economic growth is inclusive and improves the lives of everyone in our community.

Upstream London, our mission-led strategy to achieve growth, is focused on three pillars:

1. Partnership

- We build lasting partnerships with organisations in the Borough, in London, nationally and internationally to ensure a collaborative approach to economic growth, with opportunities flowing through to all.
 - We have established 'co-operative growth partnerships' with innovation districts around the world. We aim to drive this further during the second phase. We are in talks with British local authorities outside the 'golden triangle' and Southeast England so we can support others similarly as they seek to create place-based and inclusive economic growth.
- businesses, scale ups, start-ups and other organisations - from *Novartis* to *L'Oréal* and from the *BBC* to *NATO* - and we want this to continue and grow through the second phase of our strategy.

1. Hammersmith & Fulham Council Economic Growth for Everyone: An Industrial Strategy for Hammersmith & Fulham (London: H&F Council, July 2017)
2. Department for Business and Trade, Invest 2035: the UK's modern industrial strategy (London, HM Government, 14 October 2024)

2. Place

- Located upstream of Central London and the City, we are a place where innovation thrives, where new ideas and new thinking become a reality.
- We take an adaptive approach to planning to enable development and economic growth for the benefit of everyone.
- During the first phase of our strategy we saw the benefits of taking this approach, in terms of economic growth, and the importance of ensuring there is more affordable flexible office space and laboratory space.
- Our vision for the second phase of our strategy is to take this further, with more initiatives on affordable housing, living labs and building a new *Civic Campus*³, ensuring we continue to be a place where serendipitous conversations happen, new connections are nurtured and new ideas are formed, leading to further growth.

3. Pathways

- We are on a journey to achieve total inclusive economic growth for the benefit of everyone living in the Borough, learning from our experience over the past seven years and collaborating with Local Authorities across the country and innovation districts around the world.
- Our vision for the second phase of this strategy is to create pathways ensuring that the growth and opportunities generated flow through to all residents, from courses where people can learn new skills to securing jobs for the future.
- As part of the second phase of this strategy, we are launching our *Hammersmith & Fulham Upstream Pathway Bond*, which enables businesses to play their full role in supporting the local community. Businesses who sign up will offer a suite of opportunities to the local community enabling people to follow a pathway into new skills, new careers and the jobs of the future. In turn, businesses will have access to a strong local workforce, with the STEM³ skills needed for growth. Businesses involved will receive an *Upstream Pathway Bond Mark*, highlighting their social commitments and good work, which can be used in *Environmental, Social and Governance (ESG)* reporting and recruitment campaigns. *The Upstream Pathway Bond* will give people living locally a clearer pathway into new careers and more opportunities to develop new skills.

The key role local authorities can play in supporting economic growth through an entrepreneurial municipal government culture has been reaffirmed, in our thinking, through our experience of working on this agenda during the past seven years. At a time when decision making is becoming more devolved and the Government is developing its national modern *Industrial Strategy*, we hope the crucial role of local authorities will be fully factored in.

The Council's ambition for a better tomorrow is a shared vision to improve the lives of everyone, today. As we further develop our vision for the second phase of our strategy, we want to hear the views of more residents, businesses, educational institutions, community groups and other partners and stakeholders. If you would like to feed in your thoughts, please get in touch with us.

“ The Council's ambition for a better tomorrow is a shared vision to improve the lives of everyone, today ”



3. The new Hammersmith & Fulham Civic Campus will include affordable, flexible office space, 52% genuinely affordable homes, concert hall, art gallery, homework space for children, a cinema and a public sky park and restaurants



Cllr Stephen Cowan speaking at the opening of L'Oréal Groupe's new UK & Ireland headquarters in White City Place

Foreword

By Cllr Stephen Cowan, Leader of Hammersmith & Fulham Council

A decade ago, *The Spectator's* Fraser Nelson sparked a sobering debate about the health and structure of the United Kingdom's economy.⁴

He compared the UK's GDP per capita with that of each state in the United States. He concluded the UK would "be the 2nd-poorest state in the union", just ahead of Mississippi. Further analyses carried out last year by the *Financial Times'* John Burn-Murdoch found that "... removing London's output and headcount would shave 14 per cent off British living standards, precisely enough to slip behind the last of the US states".⁵

UK economic growth has remained woeful since the 2008 global financial crisis. Impeded by a combination of austerity, *Brexit*, *COVID-19*, Russian aggression and market turmoil caused by the September 2022 mini budget, growth stands at just 1.2%, in sharp contrast with 2.3% prior to 2008.⁶

Britain's inequalities between places and people are outliers in Europe.⁷ Even in

the capital, there are huge disparities between people's wealth, wellbeing and the opportunities available to them.

Insights such as these led us in Hammersmith & Fulham Council to begin our mission to change the Borough's long-term economic trajectory, provide opportunities for people to develop new skills and have a positive impact on sustainability. In 2017 we launched our localised inclusive industrial strategy, which we called '*Economic Growth for Everyone*'.⁸

We have developed the view that Britain's economic orthodoxy was out of sync with other Western economies as it relied too much on a combination of centralised measures and the 'invisible hand of the market' to tackle the UK's structural social and economic problems. As the IPPR think tank's *Commission on Economic Justice*

wrote, "if this view were ever tenable, we believe it is no longer. It misunderstands how markets work in modern economies, and the vital roles which only states can play".⁹

Influenced by Alfred Marshall's famous thinking on industrial districts¹⁰, Karl Polanyi's work¹¹ on the social foundations of the economy and much recent thinking on clusters¹², we aimed to imitate the role played by the German Länder and city-states in their economic success but with a forward-looking focus on the 'long cycle' industries of the future.¹³

We were particularly inspired by the role academia plays in achieving high economic growth in future industries around the world, particularly in Kendall Square¹⁴ and the San Francisco Bay Area¹⁵, although we resolved that any growth we help to foster must be inclusive.

The combination of a local authority's soft powers to convene and build consensus, alongside its hard powers on planning, placemaking, infrastructure development and skills could allow us to coalesce people around a common vision and a plan for a modern placed-based industrial strategy.

In 2015, *Upstream*, the Borough's business strategy was launched. We changed planning guidelines to increase the amount of affordable, flexible office and laboratory space - essential to encouraging start-up entrepreneurs. By 2016 *Imperial College London (Imperial)* had agreed to become Hammersmith & Fulham's industrial strategy partner. By 2017 we had launched our local industrial strategy¹⁶ and together with *Imperial* established the now globally renowned *White City Innovation District*.¹⁷

The first phase of our local industrial strategy centred around four priorities: 'West Tech'; encouraging enterprise; a great place in London; and "people - growth for all", as well as helping to address climate change

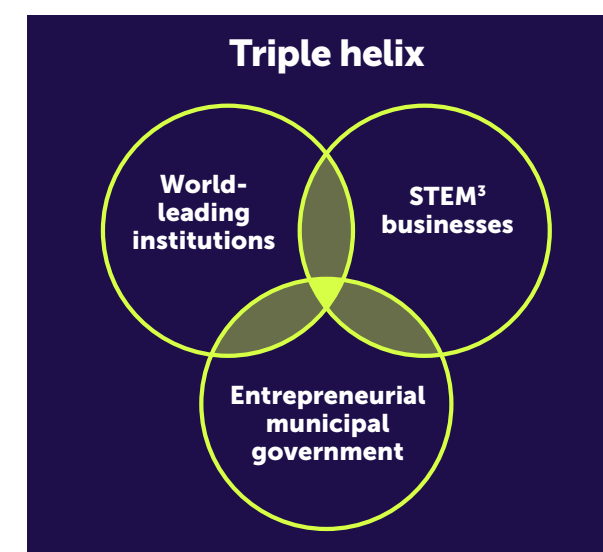
and inequalities. It aspired to build an inclusive high-growth, economic ecosystem in science, technology, engineering, maths, medicine and media (STEM³).

We placed the *Triple Helix Model of Innovation*¹⁸ at the heart of our approach. Adapting it for our circumstances, we defined the triple helix as:

- Entrepreneurial municipal government;
- World-leading institutions; and
- STEM³ businesses.

Since 2017, Hammersmith & Fulham has attracted £6 billion in high-growth business investment in a wide range of start-ups, scale ups, established businesses and developments, from green tech to artificial intelligence, life sciences and beyond.

The Borough has agreed co-operative growth partnerships with innovation districts in other countries so we can share learning, attract international trade and investment, and offer new opportunities for our people. Hammersmith & Fulham is also a founder member of the *Innovation Districts Alliance*, created by the *International Association of Science Parks and Areas of Innovation (IASP)*.¹⁹



4. Fraser Nelson, 'Why Britain is poorer than any US state, other than Mississippi' *The Spectator*, 22 August 2014
 5. John Burn-Murdoch, 'Is Britain really as poor as Mississippi?' *The FT*, 11 August 2023
 6. Richard Partington, 'The Conservatives' economic record since 2010 in 10 charts' *The Guardian*, 2 March 2024
 7. Gwyn Bevan, 'How Britain's systems of governance perpetuate inequality' *LSE Blog*, 27 October 2023
 8. Hammersmith & Fulham Council *Economic growth for everyone: an industrial strategy for Hammersmith & Fulham* (London: H&F Council, July 2017)

9. IPPR *Commission on Economic Justice, Prosperity and Justice: A plan for the new economy* (IPPR, Polity Press London, September 2018)
 10. Alfred Marshall, *The Principles of Economics* (History of Economic Thought Books, McMaster University Archive for the History of Economic Thought 1890)
 11. Karl Polanyi, *The Great Transformation, Economic and Political Origins of Our Time* (New York: Rinehart 1944)
 12. For example, Michael Porter's work on global competitive advantage through clusters: Michael Porter, *Competitive advantage: Creating and sustaining superior performance*. (London: Simon and Schuster 2008)
 13. G Tasse, 'Beyond the business cycle: The need for a technology-based growth strategy'. *Science and Public Policy*, 40(3) (2013), pp.293-315
 14. Kendall Square is in Cambridge MA and known for its cluster of tech companies and Massachusetts Institute of Technology (MIT) buildings
 15. Kenji E. Kushida, 'The Silicon Valley Model and Technological Trajectories in Context' *The Carnegie Endowment for International Peace*, 9 January 2024
 16. Hammersmith & Fulham Council *Economic growth for everyone: an industrial strategy for Hammersmith & Fulham* (London: H&F Council, July 2017)
 17. *White City Innovation District*, <https://www.whitecityinnovationdistrict.org.uk/> [accessed 5th November 2024]
 18. *The Triple Helix Model of Innovation* refers to a set of interactions between academia (the university), industry and government, to foster economic and social development
 19. *IASP Innovation Districts Alliance* <https://www.iasp.ws/our-members/communities/iasp-innovation-districts-> [accessed 5th November 2024]

Our approach to inclusivity started with young people. We began to coordinate measures with local schools and some are leading the way, such as *Fulham Cross Academy* which became a STEM specialist school in 2013. In *White City*, the Borough partnered with the national education charities *Ark*²⁰ and *OnSide*²¹ to build *EdCity*. This £150 million education, affordable housing and office site also includes a new youth facility - the *WEST Youth Zone*.

The *White City Innovation District* is at the epicentre of our strategy and we are working on extending its reach by building new student accommodation, community spaces, homes and high quality labs across the Borough which all align with our strategy's goals.

The success of our approach, to drive growth through entrepreneurial municipal government and local industrial strategy, has been the result of collaboration, partnership and teamwork. The inspirational and visionary leadership of Professor Hugh Brady, President of *Imperial*, has been crucial to this success. As we celebrate the positive results that have been achieved so far, I would like to take this opportunity to thank everyone who has played a role in this journey: local residents who have given us feedback and those who were involved in outlining the original version of the strategy; our partners at *Imperial*, our volunteer policy commissioners, and the businesses creating jobs for the future; the educational institutions driving up-skilling; the community groups supporting people living locally; those investing in our Borough; our international innovation district collaborators; and our dedicated and committed councillors and officers.

Governments have long recognised the importance of centres of innovation. Bletchley Park was one of the first, and its pioneering work codebreaking during *World War Two* played a crucial role in the Allied victory. It also led to the development of the world's first

programmable digital electronic computer. Some of the science parks that followed were similarly obscured from the public gaze, often operating like gated specialist communities.

The innovation world has moved on.²² As Bruce Katz and Julie Wagner pointed out ten years ago in their paper, *'The Rise of Innovation Districts: A New Geography of Innovation in America'*:

*"A new complementary urban model is now emerging, giving rise to what we and many others are calling 'innovation districts'. These districts, by our definition, are geographic areas where leading-edge anchor institutions and companies cluster and connect with start-ups, business incubators, and accelerators. They are also physically compact, transit-accessible, and technically-wired and offer mixed-use housing, office, and retail".*²³

This democratisation of innovation offers new opportunities to people and communities all around the world. The UK remains a future shaping R&D powerhouse. With the right measures, new businesses will emerge that could quickly come to thrive in important new sectors in the global economy.

This is the context that informs the second phase of Hammersmith & Fulham's inclusive strategy to achieve growth across the Borough and beyond, which we are calling *Upstream London*. As we work to transform the Borough into a global beacon of innovation and growth, our goal is for every resident to benefit from these positive developments and to have the opportunity

“Upstream of central London and the City, we want Hammersmith & Fulham to be a true 'Innovation Borough', a place where ideas upstream of current thinking become a reality”



“Since 2017, Hammersmith & Fulham has attracted £6 billion in high-growth business investment in a wide range of start-ups, scale ups, established businesses and developments, from green tech to artificial intelligence, life sciences and beyond.”

to up-skill, secure jobs of the future and enjoy spending time in our community-focussed development of public realm.

Upstream of central London and the City, we want Hammersmith & Fulham to be a true 'Innovation Borough', a place where ideas upstream of current thinking become a reality.

Upstream London will unfold under a new mission-led national government which has placed inclusive growth as the first of its five missions to:

1. Kickstart economic growth
2. Make Britain a clean energy superpower
3. Take back our streets
4. Break down barriers to opportunity
5. Build an NHS fit for the future

Good economic growth is now on the table at every level of government.

White City Innovation District is right to proclaim, "Tomorrow is made here".²⁴ It has established itself as an emerging economic hotspot and a global centre for future

technologies. In this second phase of our modern local industrial strategy we will act to strengthen Hammersmith & Fulham's role as an 'Innovation Borough' and work with others across the *West Tech corridor* and around the UK to accelerate and better share the benefits of high productivity growth in the industries of the future.

This document outlines our vision for the next phase, from ensuring future economic growth is truly inclusive to creating the world's first *Upstream Pathway Bond*, a groundbreaking initiative giving people a clearer pathway into new careers and more opportunities to develop new skills.

As we develop our vision further, we would welcome your thoughts and ideas and would love to hear your feedback. It is only by working together that we will be able to achieve our ambition for a better tomorrow and improve the lives of everyone, today.

Cllr Stephen Cowan
Leader of Hammersmith & Fulham Council

20. Ark: a national education charity <https://arkonline.org/> [accessed 5th November 2024]
21. Onside: a national youth charity <https://www.onsideyouthzones.org/> [accessed 5th November 2024]
22. Yigitcankar, T., Adu-McVie, R. and Erol, I., 'How can contemporary innovation districts be classified? A systematic review of the literature'. *Land Use Policy*, 95, (2020) p.104595
23. Bruce Katz and Julie Wagner, *The Rise of Innovation Districts: A New Geography of Innovation in America*, (New York: Brookings Institute, May 2014)

24. <https://www.whitecityinnovationdistrict.org.uk/about-us/> [accessed 5th November 2024]

Foreword

By Professor Hugh Brady, President of *Imperial College London (Imperial)*

Since its founding in 1907, *Imperial* has sought to be not only a world-leading institution but a world-changing one.

Our founding mission was 'to be useful' - a wonderful understatement of all that *Imperial* has achieved and continues to achieve through the breadth and depth of its educational, research and innovation activity.

We have combined our tremendous strength in science, engineering, medicine and business (*STEMB*) with scientific discovery, innovation and entrepreneurship to create real-world impact.

Co-creation, collaboration and partnership are at the heart of all we do - bringing new insights to our work, enabling greater scale and amplifying impact.

“Co-creation, collaboration and partnership are at the heart of all we do - bringing new insights to our work, enabling greater scale and amplifying impact.”

Nowhere are these principles more evident than in our partnership with the London Borough of Hammersmith & Fulham where our *White City Deep Tech Campus* sits at the heart of the *White City Innovation District*.

Every day, talented young people from the Borough are attracted to *STEMB* at our *Invention Rooms*, bringing their ideas to life in our *Maker Space*. Our state-of-the-art educational facilities are buzzing with top talent working to make the world a healthier, safer, smarter, more sustainable and more prosperous place.

Our researchers, from PhD students to Professors, come together every day to interrogate the forces that shape our world. They do this to tackle some of the biggest challenges facing humanity - from diabetes to dementia; from food security to pandemic preparedness; from air pollution to climate change.

A number of these studies are co-created with and involve our local community - most notably *Imperial's* ground-breaking research on the drivers and health consequences of air pollution.

Through the activities of our *Advanced HackSpace, Incubator, and accelerators*, the *White City Deep Tech Campus* is fast becoming a beacon of innovation, entrepreneurship, venture building and job creation. These activities are bolstered by the support for business growth in *Scale Space*, our joint venture with *Blenheim Chalcot*.

Together, these activities act as a magnet for companies in the surrounding *White City Innovation District*.



Professor Hugh Brady,
President of *Imperial College London*

This could not have been delivered without the support, partnership and shared vision of the leadership of the London Borough of Hammersmith & Fulham. The next decade will see the further development of our *White City Deep Tech Campus* on a scale and quality to match anything in the world. We see the *White City Innovation District* as

a key driver for inclusive economic growth of national impact, the centre of the wider *Imperial West Tech Corridor*.

I hope you are as inspired as we are by what has been achieved so far and all we can achieve together over the decade ahead!

Professor Hugh Brady

“Our state-of-the-art educational facilities are buzzing with top talent working to make the world a healthier, safer, smarter, more sustainable and more prosperous place.”



Schools students at a *Reveal* event in *White City Innovation District*



Prologue

Case study one - Ali from East Acton

How the *WEST Youth Zone* and *Upstream London* are having a positive impact on Ali's life

Ali, 14, from East Acton is training to be a Young Leader and uses *WEST Youth Zone*, a new state-of-the-art youth facility, developed as a result of local economic growth and Hammersmith & Fulham Council's strategy in partnership with national youth charity *OnSide*.

"During the Young People's Development Group sessions, I was able to get involved with building design and branding. We chose WEST as we wanted a place Where Everyone Sticks Together."

"Most of these group sessions took place in ScaleSpace [a community of scale-up businesses]. I'd never been in a building like that before and thought it would be very boring, but it's not. The people who worked there were very friendly and they even had table tennis and free hot chocolate!"

"It's also boosted my confidence. I can now talk to new people, look them in the eye, shake hands confidently and introduce myself. I even met and sat down with Prince William at one of the Youth Zone openings!"

"It's helped me think about different careers. We've visited companies like JD Sports, and I'm training to be a Young Leader, learning about leadership and safeguarding."

"When we're playing out in the local area, anything can happen, but here at WEST it feels safe and there's freedom to do what you want. It's good to be doing something positive, active and fun and not just be on screens at home."

“ I can now talk to new people, look them in the eye, shake hands confidently and introduce myself. I even met and sat down with Prince William at one of the Youth Zone openings! ”

Chapter 1

The case for STEM³-led growth

In their book, *No Ordinary Disruption: The Four Global Forces Breaking All the Trends*,²⁵ Richard Dobbs, James Manyika, and Lola Woetzel analyse the impact of urbanisation, technological change, globalisation and demographic ageing on world economies and societies.

They conclude: “Compared with the Industrial Revolution, this change is happening 10 times faster, at 300 times the scale, or 3000 times the impact”.

There is only one viable answer to the competitive challenge globalisation and the race for technological supremacy presents: become more competitive and do so in the emerging sectors that will dominate the coming decades.

That was the crux of the thinking which led Hammersmith & Fulham Council to secure an economic growth partnership with *Imperial College London (Imperial)* in 2016 and to launch our STEM³-based industrial strategy with them in 2017. The aim was to build on the Borough’s traditional economic strengths in the media sector by adding new sectors in science, technology, engineering, maths and medicine.

The plan to both attract and grow STEM³ anchor organisations, start-ups and scale ups was grounded on nearly 70 years of

academic theory and evidence. Back in 1956, Solow²⁶ set out the idea that technology is the primary driver of growth once capital and labour inputs face diminishing returns. Describing endogenous growth, Romer²⁷ cited knowledge and innovation as being critical factors to STEM.

As with any journey, technological leaps and economic growth are neither linear nor without their setbacks, as witnessed by how the early innovations of the *Industrial Revolution* led to a displacement in jobs. Over 200 years later, Acemoglu and Restrepo²⁸ reach similar conclusions on how AI and automation boost productivity but risk displacing workers. These are the global economy’s new ‘long cycle’ technologies²⁹, likely to drive a cycle of innovation that will endure and generate economic growth for decades to come.

While change can be daunting, it offers opportunities for those communities that are able to rise to its challenge. Research³⁰ carried out in 2020 concluded “that 67% of U.S. jobs and 69% of the nation’s gross domestic product (GDP) are supported by science, technology, engineering and mathematics (STEM)”. In the UK, around 1 in 4 or 7 million jobs are STEM-based, with STEM contributing to around 26% of UK GDP in 2023.³¹ Evidence also suggests that “job growth, employment rates, patenting, wages, and exports are all higher in more STEM-based economies.”³²



Henrik Hagemann (right), Co-founder and Chief Product & Innovation Officer, *Puraffinity*

The democratisation of innovation-led growth

Katz and Wagner conclude, “there are over 150 innovation districts emerging and evolving worldwide, pursuing ambitious agendas to become multipliers of growth, unlocking unique R&D and place-based assets”.³³

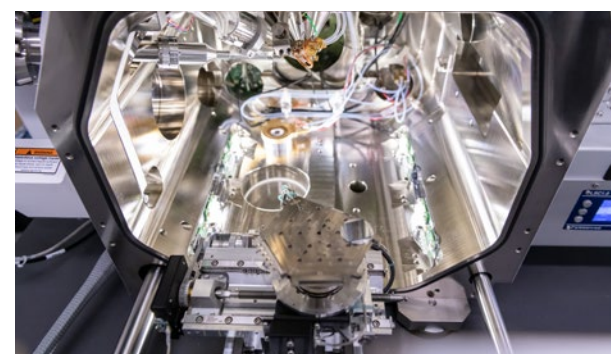
Excluding science parks, the *White City Innovation District* sits alongside a number of other UK innovation districts including:

- *Glasgow Riverside and Glasgow City*
- *The Knowledge Quarter at Kings Cross*
- *Leeds Innovation Arc*
- *ID Manchester*
- *Newcastle Helix*
- *Sheffield University Innovation District and Sheffield-Rotherham Advanced Manufacturing Innovation District (AMID)*
- *Innovation City Belfast*
- *Knowledge Quarter Liverpool*
- *Swindon Knowledge Central Innovation District*

Urban innovation districts are the new disrupters, overshadowing science

parks as centres of STEM business growth. As Katz and Wagner explained³⁴, “Instead of inventing on their own in real or metaphorical garages, an array of entrepreneurs are starting their companies in collaborative spaces, where they can mingle with other entrepreneurs and have efficient access to everything from legal advice to sophisticated lab equipment. Rather than submitting to long commutes and daily congestion, a growing share of metropolitan residents are choosing to work and live in places that are walkable, bike-able, and connected by transit and technology.” This democratisation of innovation offers policy makers new means of embedding growth into communities and tackling inequality.

“13,200 new jobs have been created by Hammersmith & Fulham based businesses in highly productive, highly skilled sectors.”



25. Richard Dobbs, James Manyika, and Lola Woetzel, *No Ordinary Disruption: The Four Global Forces Breaking All the Trends*, (PublicAffairsUS, 2015)
 26. Robert Solow, ‘A Contribution to the Theory of Economic Growth’ *The Quarterly Journal of Economics*, Vol. 70, No. 1 (Feb., 1956), pp. 65-94
 27. Paul Romer, ‘Endogenous Technological Change’, *The Journal of Political Economy*, Vol. 98, No. 5, Part 2: The Problem of Development: A Conference of the Institute for the Study of Free Enterprise Systems. (Oct., 1990), pp. S71-S102
 28. Daron Acemoglu and Pascual Restrepo, ‘Artificial Intelligence, Automation and Work’, Boston University - Department of Economics - The Institute for Economic Development Working Papers Series dp-298, Boston University - Department of Economics, 2018
 29. Gregory Tasse, ‘Beyond the business cycle: The need for a technology-based growth strategy’, *Science and Public Policy*, 40(3), (December 2012) pp.293-315
 30. Aerospace Industries Association, American Association for the Advancement of Science and others, *STEM and the American workforce. An inclusive analysis of the jobs, GDP and output powered by science and engineering.* (2020)
 31. UK Government: Supply of skills for jobs in science and technology, Calendar year 2023 - Explore education statistics - GOV.UK (explore-education-statistics.service.gov.uk)
 32. Jonathan Rothwell, *The Hidden STEM Economy*, Washington, (District of Columbia, Brookings Institution, 2013)

33. Bruce Katz and Julie Wagner, ‘The Next Wave of Innovation Districts’, *The New Localism*, 16 May 2024
 34. Bruce Katz and Julie Wagner, *The Rise of Innovation Districts: A New Geography of Innovation in America*, (New York: Brookings Institute, May 2014)

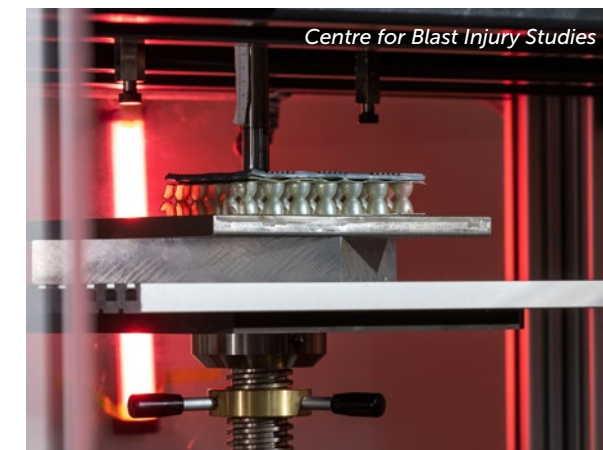
“ Compared with the *Industrial Revolution*, this change is happening 10 times faster, at 300 times the scale, or 3000 times the impact. ”

Measures taken in Hammersmith & Fulham such as changing planning guidelines to encourage more affordable, flexible office space and facilitating the establishment of *Scale Space*³⁵ has encouraged the growth of hundreds of thriving STEM³ start-ups and scale-ups. The Borough's pro-growth approach to planning has led to 192,000 sqm of commercial space being consented since 2017.

The *Thames riverfront*³⁶, *Shepherds Bush Market*³⁷, *Earls Court* and the new *Civic Campus* are four of the many schemes that are already extending the geography of innovation across Hammersmith & Fulham.

As a result, the Borough has developed a gravitational pull that has attracted many

global STEM³ anchor organisations including *Novartis*, *Autolus*, *Synthace*, *Airbus*, *Eutelsat*, *OneWeb*, *L'Oréal*, *The Royal College of Art*, *ITV* and *NATO*.



STEM³ growth in Hammersmith & Fulham

Some £6 billion of high growth business investment has come into Hammersmith & Fulham since 2017. 85% of that is in STEM³ with:

- Life sciences - £2.5 billion
- Green and climate tech - £1.1 billion (more than Birmingham, Bristol and Manchester combined)
- Cyber, AI and Fintech - £946 million
- Creative, digital, film and screen - £906 million

Alongside this investment, 13,200 new jobs have also been created by Hammersmith & Fulham based businesses in these highly productive, highly skilled sectors:

- 3,500 in Life sciences (160% increase)
- 2,000 in Green and climate tech (813% increase)
- 3,600 in Cyber, AI and Fintech (160% increase)
- 4,100 in Creative digital, film and screen (90% increase)

In 2017 there were just over 9,200 jobs in Hammersmith & Fulham in these sectors. Now, there are at least 22,500 jobs across 800 registered businesses within these sectors. These key growth sectors are an increasingly central part of the Borough's employment base.

With a job density of 1.18 jobs per resident, Hammersmith & Fulham is a leading employment centre - with a greater ratio of jobs to residents than London as a whole (1.07) and Great Britain (0.87).

The presence of innovative, high growth sectors has seen the Borough's productivity levels rise since 2017 with GVA per hour worked increasing by 12.8% (from £42.10 to £47.50). This is far higher than the London average of 7.1%.

In the year to March 2024, the Borough's overall employment rate increased from 76% to 78.1% of working age residents, compared to 74.5% for London and 75.5% for Great Britain.

35. Scale Space White City is 200,000 sq. ft of tailor-made workspace for high-growth businesses and scaleups. It is the UK's first community created specifically to help innovative companies accelerate growth.

36. ARC West London's science and innovation community riverside campus

37. In line with H&F industrial strategy, Yoo Capital are building life sciences facilities and an incubator and affordable homes



Case study two - RFC Power

How RFC Power is going from strength to strength in the White City Innovation District.

RFC Power is an energy spin-out from Imperial that has been based in *I-Hub White City* since 2020. It is developing the world's lowest cost flow battery, with a mission to enable the transition to 100% renewable energy by developing the cheapest form of long duration energy storage. The development of the manganese flow battery has been supported by InnovateUK and DESNZ through the *Energy Entrepreneurs Fund*. RFC has ongoing collaborations with Shell Energy, Ørsted and Ceres Power, and was recently shortlisted for an *Innovation Zero* award.

Upstream - the partnership between Hammersmith & Fulham and Imperial - supports, connects and shines a light on the science, tech and creative industries. It has provided RFC with speaking opportunities at *Upstream's London Tech Week* panel and at the *Deep Tech Network* showcase.

RFC also attends invitation only sustainability roundtables, hosted by *Upstream*, Hammersmith & Fulham and chaired by Alyssa Gilbert from *Undaunted* (Imperial's climate-tech accelerator) which enabled corporates, startups, academia, government and non-profits to foster collaboration, partnerships and knowledge exchange.

RFC's CEO Tim von Werne says, "we are delighted to be part of the *White City Innovation District*. The ecosystem here has allowed us to be supported in many ways.

"*Upstream's* efforts in fostering connections, particularly with investors and potential partners, is invaluable. This, together with the platform to share our work is, part of the support startups need.

"Rarely have I seen a local authority and university jointly supporting such efforts. We look forward to growing further in the *White City Innovation District*."

What next?

The Borough's original industrial strategy set out to build a close working alliance with anchor institutions and businesses which would enable the council to curate high but inclusive economic growth.

The Council listened to and worked closely with a wide range of organisations from schools, academies to businesses, from developers to football clubs, and from LAMDA³⁸ to the *Lyric* and *Bush* theatres while developing the first phase of its industrial strategy. The Council's new *Civic Campus* captures much of the inclusive growth ethos and will be an important centre of economic, arts and cultural activity.

However, it is the serendipitous partnership with *Imperial* that has accelerated the two organisations' shared *West Tech* ambitions. This close working relationship brought agility, problem solving and speed of action, and it has benefitted and influenced the outlooks of both organisations. There is now a broad political consensus that this partnership is special and needs to be maintained.

The *White City Innovation District* remains the STEM³-led growth epicentre for both the council and *Imperial*. As Hammersmith

& Fulham works to expand the innovation economy across the Borough, *Imperial* is building on the *West Tech* plan first detailed in our 2017 joint industrial strategy. It is purchasing land across the *West Tech Corridor* and opening offices and centres of activity around the world. As *Imperial's* President Brady described in February 2024 when he launched the next stage of their global strategy, they are "unashamedly ambitious in seeking to maximise *Imperial's* potential as a force for good in the world".³⁹ The Council and the University are committed to work closely together to achieve our common aspirations.

In this next phase of Hammersmith & Fulham's *Upstream London* strategy, *Imperial College Healthcare NHS Trust* will join the partnership. This will allow for the coordination of a greater suite of activities in the life science sector that not only creates

“ This close working relationship brought agility, problem solving and speed of action. ”



38. The London Academy of Music and Dramatic Art

39. Imperial College London, Science for Humanity: how we shape the future. (ICL, 29 February 2024)

significant economic growth, but improves the health and wellbeing of local residents.

We have learnt from our international innovation district partners that taking measures on land development and clustering is the foundation for attracting more leading R&D institutions. Focusing our planning measures to ensure more land is available for inclusive growth is a priority in this next phase. We will add new partnerships that will accelerate our ambition to become Europe's most important centre of innovation-led growth.

The culture of co-production has been embedded into Hammersmith & Fulham over the last ten years. *Imperial* has begun to build on this by involving residents as active participants in their research, thereby exposing residents to how scientific endeavour is undertaken while improving wellbeing outcomes for those involved.

The Borough's reputation as a place where innovation-led growth happens quickly has attracted much international attention. So far the Borough has signed 'cooperative growth agreements' with seven new or established innovation districts around the world, so that we can share learning, aid mutual investment and develop new opportunities for our respective resident populations. Within the next eighteen months, *Upstream London* will launch its *Cooperative Growth Convention*. This will bring innovation districts together from around the world to promote themselves and accelerate the benefits of our growth alliance. We will work with stakeholders so all our residents benefit from this.

We will work with stakeholders across the Borough to launch the *Upstream London Pathway Bond* which will open new opportunities for residents and make it more practical for them to be shared. Significantly improving people's lives and life chances remains our goal. Our approach to innovation-led growth means we're doing that in a world that is changing faster than ever before.

“ The culture of co-production has been embedded into Hammersmith & Fulham over the last ten years. ”

Defining 'Entrepreneurial Municipal Government'

We have defined 'Entrepreneurial Municipal Government' as a form of place-based leadership characterised by creativity, agility and the skill to seize opportunities as they arise. An *Entrepreneurial Municipal Government* brings together essential actors to help establish desired economic and social outcomes for people in the municipal area.

Like many entrepreneurs, the municipality does not necessarily need to use its own resources. Its primary responsibility is to build a vision and a plan and then to act entrepreneurially to win investment and to continually identify potential key actors and their resources. The aim is to coalesce them around the plan and coopt them in its delivery.

The Molecular Sciences Research Hub and garden in Imperial's White City Campus



Participant in Imperial's Maker Challenge for young people

Chapter 2

Opportunity pathways

As the *Resolution Foundation* pointed out in the interim report of their *Economy 2030 Inquiry*, “The promise of shared prosperity is central to the social contract in modern democracies”.⁴⁰

The UK economy has long grappled with regional and social imbalances, such that economic decline and recovery is experienced very differently across the country. A few years ago, a focus group in outer London was asked to consider how their ideas might affect Britain’s economy. Strikingly, when one participant responded, “it’s not our economy, its theirs”, everyone else agreed.

This group was not made up of people living in the shadowlands of broken Britain. They were people who could broadly be described

as middle income, mid-life, suburb dwellers. They were proud of their homes and their families, and worked hard to maintain their standard of living. Many were patriotic.

Such families had long formed the bedrock of a Britain confident that their children would enjoy improved living standards, and yet they now seemed to be disillusioned. They resented a system that favoured a perceived tiny elite while the public realm and public services decayed. The sense that our best days were behind us was pervasive.

As such, ensuring local economic growth actually improves lives and generates the opportunities people aspire to must remain an essential part of the DNA of Hammersmith & Fulham’s industrial strategy.

“The UK economy has long grappled with regional and social imbalances.”

Education, skills and life-long learning

Providing people with tangible improvements in their capabilities so they can access better opportunities is the very essence of giving people hope for a better future.

‘A New National Purpose’, an insightful paper from the Tony Blair Institute, was right to identify that: “If becoming a leader in science and innovation is central to the UK’s new national purpose, every child, whatever their background or circumstances, must be able to get a first-class scientific education. Those children who choose to pursue an academic future must be able to become the UK’s next scientists, mathematicians and entrepreneurs. Those who opt for

a technical vocation need the skills to contribute to the industries of tomorrow from green manufacturing to retrofitting homes”.⁴¹

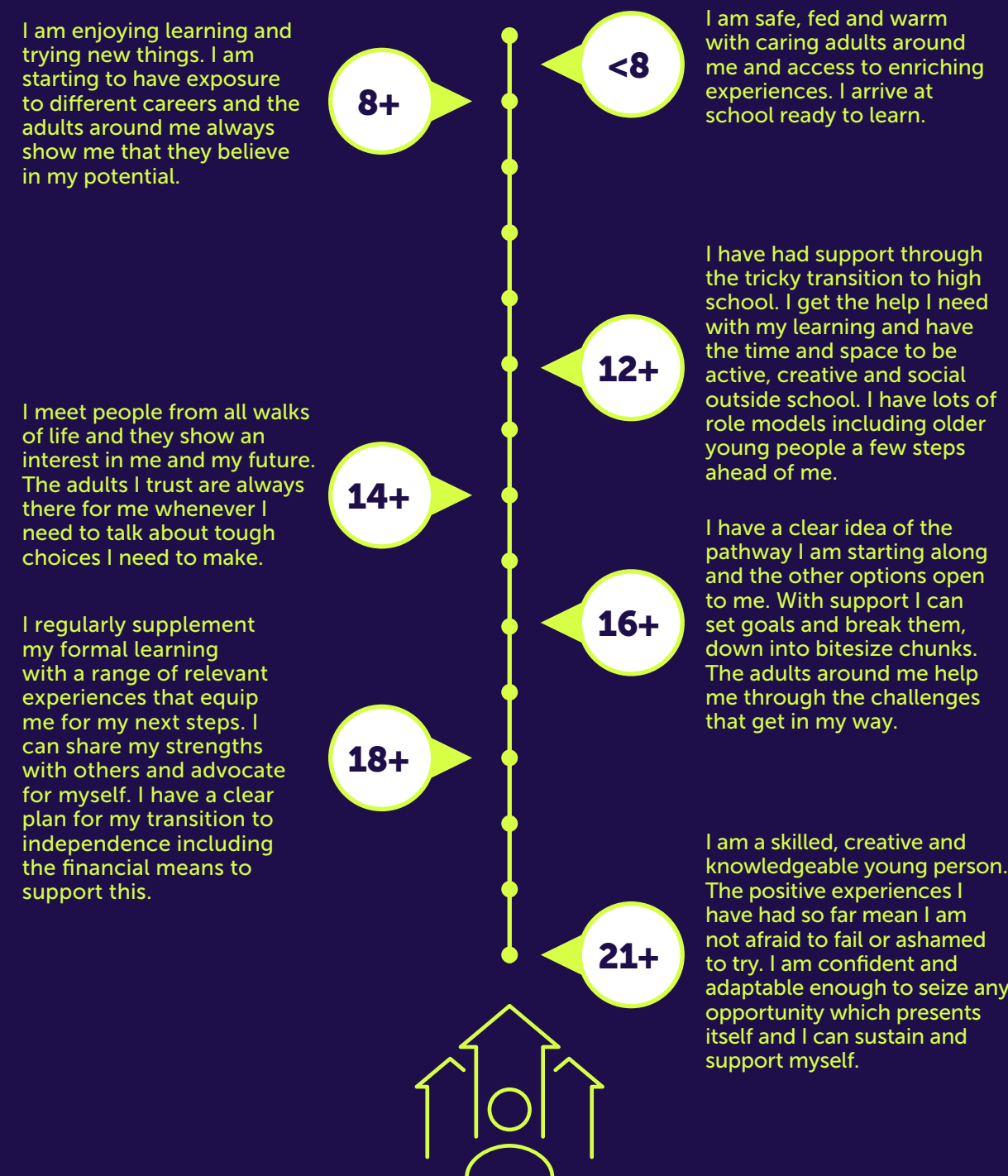
When we launched our industrial strategy in 2017, Hammersmith & Fulham’s aim was to ensure all residents could benefit from innovation-led economic success. Our approach started with young people, by coordinating measures with local schools and investing in both building and funding modern youth facilities. However, the structure of the UK’s education systems and provision of skills development required the Borough to rely on its softer powers of coordination.

The Hammersmith & Fulham Upstream Pathway Bond

“The evidence shows that children do not start off with low expectations. When they are younger they have the same hopes and dreams as all children, however, their confidence in their ability to attain their

aspirations becomes diminished over time. Aspirations, even in communities struggling with poverty, are very high - the missing element is the knowledge of how to make these aspirations real and obtainable”⁴²

Figure 1: What does a pathway to success look like?⁴³



40. The Economy 2030 Inquiry, Stagnation nation. Navigating a route to a fairer and more prosperous Britain. (London: The Resolution Foundation, 2022)
41. Tony Blair Institute, A New National Purpose: Innovation Can Power the Future of Britain (London, TB Institute, 2023)

42. Dr Morag Treanor, ‘Can we put the ‘poverty of aspiration’ myth to bed now?’ Centre for Research on Families and Relationships. University of Stirling, Research Briefing 91: December 2017
43. Credit - Elanor Gunn, CEO, WEST Youth Zone

When Hillary Clinton published her book, *It Takes a Village*⁴⁴ in 1996, she described the sense of shared responsibility that people and organisations across society have always had. Hammersmith & Fulham's aim is to make it easier for people to access measures that are built on this universal value. Using the idea that a 'bond' is a solemn commitment entered into by people seeking to achieve a shared outcome, the Borough has developed the Hammersmith & Fulham *Upstream Pathway Bond*.

Wrapping a strong bond around our young people is a shared commitment between the Local Authority, local businesses and the places or services they access day to day including schools. Our *Pathway Bond* seeks to provide the vision, investment, and long-term ambition to support young people on every step of their individual pathway, ensuring everyone can aim high and access the incredible opportunities for employment in our *Innovation Borough*.

How the *Upstream Pathway Bond* Works

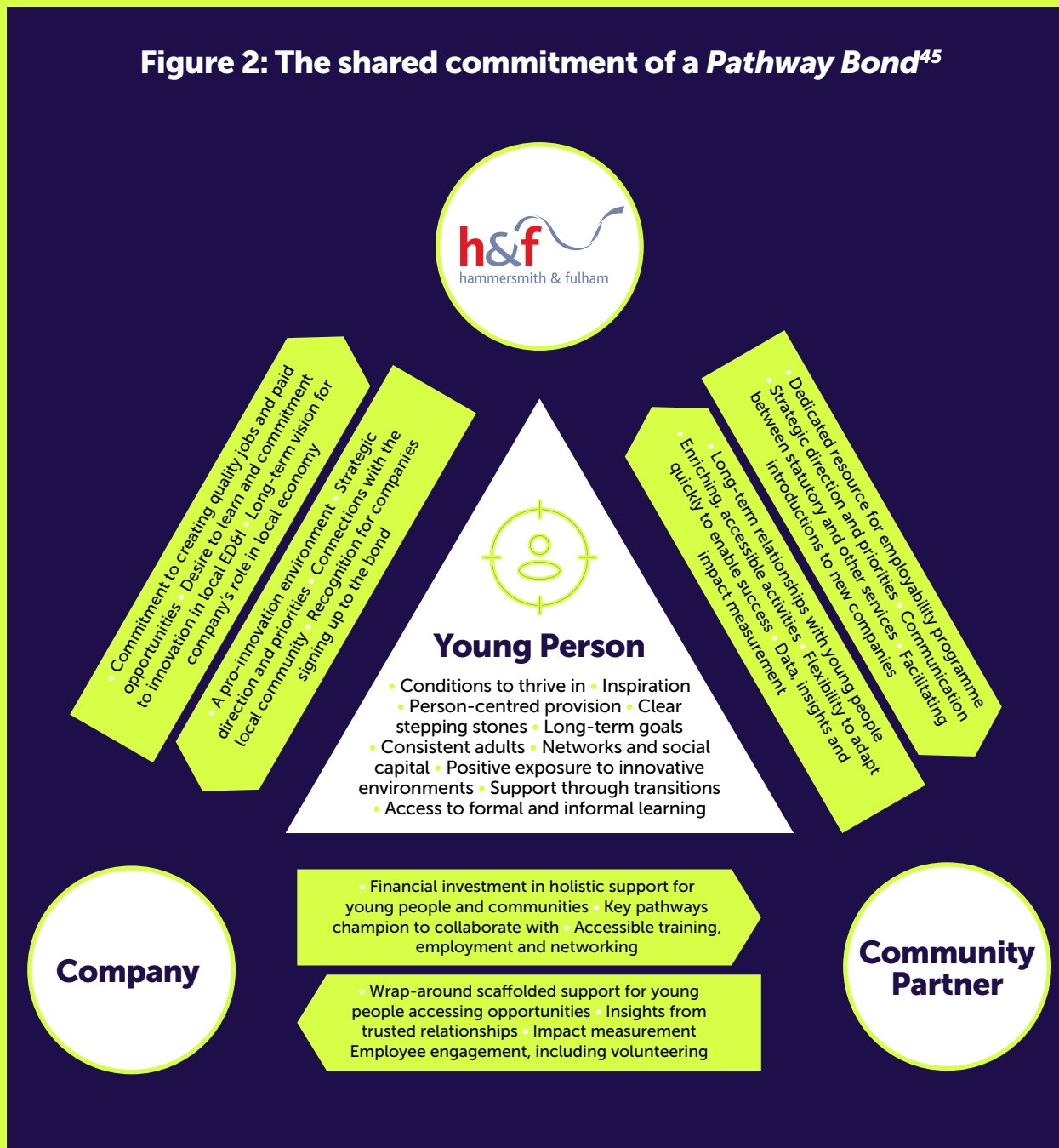
The *Upstream Pathway Bond* will give people living locally a clearer pathway into new careers and more opportunities to develop new skills. By signing up, businesses commit to the principles of providing good jobs, fair wages and skills of the future.

As a key part of the community, these organisations will be committed to equality, diversity and inclusion, workplace wellbeing, fair pay and conditions. In addition to this, businesses who sign up will support

the development of skills for the future - providing opportunities for people living locally - by taking part in one or more of the following activities:

“The *Upstream Pathway Bond* will give people living locally a clearer pathway into new careers”

Figure 2: The shared commitment of a *Pathway Bond*⁴⁵



1. STEM³ inspiration and connections

- Inspire and educate young people in STEM³ activities appropriate to their age and stage including workshops, mentoring sessions, learning through play, and hands-on activities.
- Provide advice and support to young people participating in international visits in Hammersmith & Fulham's

- international partner municipalities, and help broaden the networks of local students on international visits or work experience through business contacts.
- Support council-led events and the annual STEM³ festival, while developing links with *Upstream London's* global innovation district partners.

2. Apprenticeships and work experience

- Create high-quality apprenticeships with top-tier training providers and donate unused *Apprenticeship Levy* funds to support local businesses and charities.
- Offer accessible career workshops, workplace visits, open days and Q&A sessions designed alongside young people and services with a clear pathway for participants to engage further.
- Provide one week and summer work placements with industry mentors.

3. Extra-curricular and community support

- Make facilities available for educational and extracurricular activities and ensure a sense of shared community by hosting inclusive events and activities within available spaces.
- Sponsor extracurricular educational projects and activities to enhance young people's health, wellbeing, creativity, skills, knowledge and confidence
- Investment in the future workforce through activities making the Borough a great place to live, work and grow, such as support for parents, access to childcare, and safe activities for young people.

44. Hilary Clinton, *It Takes a Village* (New York: Simon & Schuster, 1996)
45. Credit - Elanor Gunn, CEO, WEST Youth Zone



4. Mentoring and sponsorship

- Provide financial support for underrepresented students, including paid summer placements and maintenance grants for those pursuing graduate and postgraduate education.
- Sponsor students for educational trips and exchanges.
- Establish bespoke mentoring programmes that pair students with professionals and offer long-term guidance and support through structured mentorship.

5. Skills and Education

- Support local young people from diverse backgrounds to achieve excellence in their education through provision of quality study spaces, technology, and learning support.
- Host workshops or sponsor programmes to build interpersonal and professional skills such as workplace behaviour and confidence building.
- Provide access to inclusive entry-level training for young people exploring their first steps into the workplace including provision for wrap-around support, employability skills such as CV writing and covering letter writing, interview techniques, job searches, job application and career advice.

In return, Hammersmith & Fulham will celebrate creativity and innovation, while supporting start-ups, scale-ups, institutions and global businesses to power inclusive economic growth.

In choosing *Upstream London*, businesses will access a strong local workforce, with the STEM³ skills needed for growth. Hammersmith & Fulham will work with schools, colleges and community organisations, through education and training, to provide candidates to meet the

employment growth needs of businesses developing in the local economy. The Council will also seek out opportunities, working with government, to foster improved apprenticeship offerings, including increased opportunities with the *Apprenticeship Levy*.

Businesses involved will receive an *Upstream Pathway Bond Mark*, highlighting their social commitments and good work, which can be used in Environmental, *Social and Governance (ESG)* reporting and recruitment campaigns.



Abdulah (standing) training in the WEST gym, proudly wearing his blue 'Young Leader' T-Shirt. Young Leaders give back and learn leadership skills by volunteering in the Juniors Club at WEST.

Case study three - Abdulah from White City

How Abdulah has gained confidence and opportunities as a result of WEST Youth Zone and Upstream London

Abdulah, 14, from *White City Estate*, uses WEST, the new state-of-the-art youth facility, developed as a result of local economic growth and Hammersmith & Fulham Council's strategy in partnership with national youth charity *OnSide*. He says,

"I was playing in the local park when Shineade, WEST's Volunteer & Staff Training Manager, asked if I wanted to help get the Youth Zone started. It sounded great, so I joined the Young People's Development Group. I like playing basketball here. The court is amazing, and our Sports Youth Workers, Nuro and Yusuf, are great role models to me. I also like the gym as the equipment is really good and working out

helps me get stronger for basketball. I've gained a lot of confidence. Before, I'd be too nervous to speak in front of strangers, but now I've done presentations for companies like L'Oréal and GSK. I even spoke at WEST's Grand Opening in April in front of 1,000 people."

“ Before, I'd be too nervous to speak in front of strangers, but now I've done presentations for companies like L'Oréal and GSK. ”

Comment from Elanor Gunn, Chief Executive, WEST Youth Zone

"Many young people with huge potential face unfair barriers. For me, social action is about removing those roadblocks and providing young people with an environment to thrive in. It's no secret young people leaving school now are facing a hugely uncertain future, with frightening changes in climate, global political instability, and accelerating rate of change in technology. At the same time, many of today's young people have already had to contend with a lot before they even leave school - between 2017 and 2023 the number of children living in destitution tripled.⁴⁶ Add to this the disproportionate effect Covid had on their experiences, and it is no surprise that we find ourselves in a youth mental health crisis.⁴⁷

With a rapidly changing world and employment landscape ahead, and services working to firefight day-to-day, the job of equipping young people for the future can seem daunting. But I believe collaboration is the key to success here.

Elanor Gunn

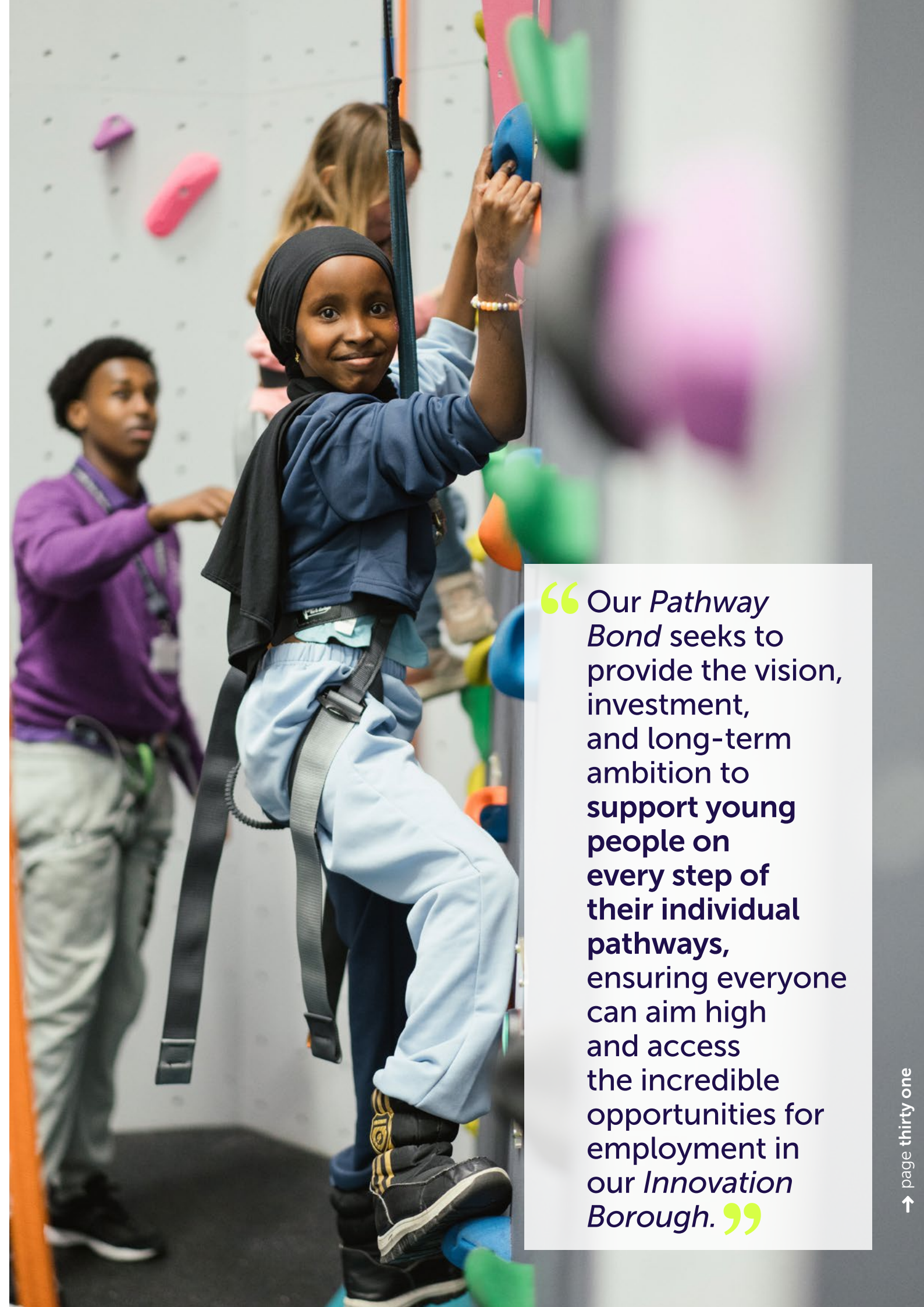


We all, as individuals, companies or government, have the power to positively contribute to young people's lives, whether that is through alleviating the effects of poverty, giving them a listening ear, supporting them with their individual learning needs, or providing activities which improve their mental, physical and social wellbeing. Whatever uncertainties young people face in the future we can be confident those with attributes like good communication, leadership, courage, resilience and empathy will be the best equipped to contribute.

What is also clear is that arriving in the workplace on day one with a great selection of skills will not be enough to set someone up for life. With the fast pace of change any young employee is likely to face, a curiosity and love of learning in general is likely to stand them in better stead than any wealth of knowledge. Employers will also need to invest in these employees and consider how equitable their access to continuous development and training is. Otherwise, young employees with less independent resource will fall behind their peers.⁴⁸

Whether it is in their family, nursery, school, youth club or workplace, each young person should experience a sense they are in equal parts cared for and empowered. A shared commitment to creating a positive long-term pathway for young people, from infancy to adulthood, is a recipe for success."

“ We all, as individuals, companies or government, have the power to positively contribute to young people's lives ”



“ Our Pathway Bond seeks to provide the vision, investment, and long-term ambition to support young people on every step of their individual pathways, ensuring everyone can aim high and access the incredible opportunities for employment in our Innovation Borough. ”

46. Suzanne Fitzpatrick and others, Destitution in the UK 2023 [York: Joseph Rowntree Foundation, 24 October 2023]

47. Young Minds, Mental Health Statistics UK <https://www.youngminds.org.uk/about-us/media-centre/mental-health-statistics/> [Accessed 11th November 2024]

48. Rui Costa and others, 'Old Skills, New Skills: what is changing in the UK labour market' The Pissarides Review into the Future of Work and Wellbeing (London: IFOW, February 2024)



CLlr Sharon Holder, H&F Cabinet Member for Public Realm, and Dario Vianello, Friends of Hammersmith Park

Chapter 3 Placemaking an innovation borough

Hammersmith & Fulham is a beautiful place. Its leafy streets, mansion blocks and public housing estates sit comfortably alongside each other in one of the most diverse and vibrant parts of the world.

There is a thriving business sector and few places more perfectly suited to building up an already strong local economy. The river, Wormwood Scrubs, our many parks and our open spaces are sanctuaries for nature, offering a chance for all of us to breathe easier, exercise and find a moment of peace. With our lively arts scene, three markets, our colourful high streets, *Westfield* and pockets of charming neighbourhood pubs,

restaurants and independent shops, it's hard to find a better place to live or work.

Leading management thinker Peter Drucker apparently once declared, "*Culture eats strategy for breakfast*". Collaborative culture is the magic ingredient for sparking creativity and innovation. Making a place where serendipity occurs and innovation-led economic growth follows, therefore, has opened up a new school of study⁴⁹ for communities interested in improving neighbourhoods and strengthening their economic prospects.

'Proximity, proximity, proximity' could well be the slogan for innovation districts

“ Collaborative culture is the magic ingredient for sparking creativity and innovation. ”

everywhere. Historically, cities developed in order to maximise human interaction and trade by reducing the need to travel. Being close to other people and businesses, research institutions and investors is essential to gaining a culture of collaboration. The ergonomics of achieving this go to the heart of what makes a place wonderful to live and work in.

There are many lessons that can be learnt from around the world. The *22@Barcelona* innovation district "is a benchmark in urban, economic and social transformation".⁵⁰ Since being given approval in 2000 by the City Council, the former industrial area of Poblenou in the district of Sant Martí has emerged as one of the world's great centres of innovation and inclusive economic growth. *22@Barcelona* is one of Hammersmith & Fulham's international growth partners, their approach is well documented and there is much we continue to learn from their work.

As we set out on the second phase of the Borough's industrial strategy we must consider all the factors that will make the Borough a more environmentally responsible, people-friendly place and paint a picture of the future that captures the best hopes of our residents.

Like other local authorities, we realise that a high-quality, well-designed public realm plays a crucial role in stimulating economic growth, enhancing community well-being, and creates vibrant, attractive environments for all. Our vision will attract businesses, residents, and visitors by focusing on the specific needs of residential areas, town centres, innovation districts and our parks and open spaces. We will create fabulous spaces that support economic activities and foster inclusive growth.

The imprint we leave on the lived environment acts as a time capsule long into the future - an indication of what we valued and prioritised.

Figure 3: Our approach to placemaking



49 Christian Busch and Matthew Grimes, "Serendipity in entrepreneurship, strategy, and innovation – a review and conceptualisation." In: Copeland, S., Ross, W. and Sand, M. (eds.) Serendipity science: an emerging field and its methods. Cham: Springer International Publishing, pp.69-99 (2023)

50. Dominique Perrault, *22@Barcelona*, Architectuul Blog, 15 June 2017

People-first housing and transport

Making it possible for people to both live and work in the Borough is better for them, the climate and for innovation. That is why we devote *Chapter 4* in this report to the vital issue of housing.

The success of the place element in innovation districts elsewhere has been driven, in part, by an understanding of the proximity, complexity and density needs of the place and the people within and, in turn, redistributing the available space to maximise the benefits.

One inheritance of the 20th century is the amount of land given over to roads. With the third highest land values in the UK, that means billions of pounds worth of land is currently used for vehicles. As transport evolves - with micromobility, e-bikes and scooters now the largest growth sector in urban transport - we have the opportunity to consider new means of getting from place to place.

Road development in cities has been largely driven by a “problem led approach”, striving to improve the journey times of traffic, rather than focusing on the local impacts, such as reductions in amenities and severing communities. Road schemes that increase road capacity instantly induces demand, filling the road and bringing the problem back. As part of our vision for the next phase of our local industrial strategy we want to have a “vision led approach” to designing public spaces, designed with people at the heart, being bold and innovative and delivering benefits to the wider community.

“Leading management thinker Peter Drucker apparently once declared, “Culture eats strategy for breakfast” ”

ARC West London's new life sciences development on the Thames riverside in Fulham Reach



Our own Innovation district at *White City* has seen significant development activity that has delivered successful public realm enhancements. Where in the Borough we have removed heavy traffic, local residents have embraced the space, socialising and trading. We now aspire to achieve a transformational approach across the entire district that supports a vibrant, accessible world class place. To realise this ambition, we are:

- 1. PRODUCING** a *White City Public Realm Strategy* in collaboration with our Innovation District partners, that will deliver an overarching vision to shape future developments and collaborations.
- 2. DRAWING** on exemplar projects, we will consider reimagining the use of some road spaces to put pedestrians front and centre, integrating with vehicle traffic seamlessly, with high-quality materials and design features that enhance the aesthetic appeal and create a flexible, attractive space that is used for events to bring the local community and institutions together.
- 3. BUILDING** on the 21 prestigious *Green Flags* we have won for our beautiful parks and open spaces, which are important contributors to health and wellbeing. We aim to improve the availability of high-quality green spaces at every opportunity to make our Borough the best place to live and visit. Our vision is for this

to be reflected in our Parks for *The Future Strategy* and in the *Playground Strategy* that will set the direction for making this Borough an exemplar, and with our outstanding schools, the place people aspire to live and invest.

- 4. CREATING** a *Streetsmart Guide* that will define the use of high-quality materials with a consistent design language throughout streets and open spaces, to create a cohesive sense of place.
- 5. PROMOTING** policies to reduce pollution from local transport by encouraging active travel and making cycling and walking safer.
- 6. GREENING** our streets to make them more attractive and pleasant, whilst also helping to reduce flooding.
- 7. INVESTING** to maintain our public realm in pristine condition so we reap the benefits of our transformation to sustain future inclusive growth.

Incubator to scale space infrastructure

In 2015 Greg Jackson CBE, one of Hammersmith & Fulham's Business Commissioners, advised that if the Borough wanted to become and then remain an important centre for entrepreneurs to start or scale their businesses, it would have to create and maintain an infrastructure of affordable, flexible office and laboratory incubator and scale up space.

Planning guidelines were changed to accommodate that objective and developers have been advised to add it to their schemes where possible. We now have secured

72,000 sq metres of new affordable workspace with a further 80,000 sq metres in the planning pipeline. As part of our vision for this new phase of our local industrial strategy, we hope to build significantly more affordable, flexible office and laboratory space, working with our partners.

“ We now have secured **72,000 sq metres of new affordable workspace** ”



Arts & culture

Creativity and the arts are essential components of a good life and offer a window into the human condition. Culture and inclusive economic growth also go hand in hand. As the OECD notes:

*“culture interacts with and reinforces job creation, entrepreneurship, regional innovation, local development and well-being” and that “cultural participation is important for local development and should be viewed as a tool for policymakers in many fields, beyond cultural policy”.*⁵⁷

The OECD report cites academic research to support the link between high cultural participation and well-being, cohesion and cross-sector innovation, noting too how culture can be used to tackle societal changes from climate change to migration. The OECD also recommends that organisations should aim to:

*“Create new collaborations between cultural and non-cultural institutions, that may cooperate in the experimentation and implementation of crossover projects (e.g. between museums or theatres and hospitals, between orchestras and educational institutions, or between independent art spaces and urban planners, etc.).”*⁵⁸

This has already happened⁵⁹ in *White City*, with a collaboration between *Westfield London* and the *MRC Laboratory of Medical Sciences* during 2023's *Black History Month*.

We are proud to live in a Borough with a rich arts and cultural sector and, as part of our vision for the new phase of our strategy, we plan to continue to nurture and support these elements:

- Our Borough is home to long-standing and award-winning theatres and attractions from the *Lyric*, *Bush*, *Riverside* and *Bush Hall* to the *Hammersmith Apollo* (*Eventim Apollo*) and *Fulham Palace*.

- *White City* has been synonymous with the *BBC* and television for many decades, with the Borough also hosting the likes of *UKTV*, *National Geographic*, *Endemol Shine* (now *Banjay UK*) and many smaller film and television production companies.
- Our arts and creative sector has been boosted by *ITV* which consolidated its London footprint into an office in *White City Place* and the *Royal College of Arts* which has its *School of Communication* based nearby.
- We have also commissioned the *Shepherd's Bush Comedy Festival*, which has seen the likes of Katherine Ryan, Sara Pascoe and Simon Amstell performing.
- *Westfield London* hosts Europe's largest shopping centre and is increasingly a place where families go not just to shop but to be entertained.
- Uxbridge Road promises Middle Eastern groceries and supermarkets, Halal butcher shops, shisha cafes and restaurants serving Middle Eastern cuisines, from Lebanese, Moroccan, and Turkish to Persian. Together, over 200 shops and restaurants serve to make Uxbridge Road and Goldhawk Road a culinary destination.
- A stroll along the scenic Thames Path will give visitors the opportunity to visit several historic pubs including *The Dove*, *the Old Ship* and *The Blue Anchor*.
- Hotels in the Borough range from Soho House's *White City House*, *The Hoxton* and *Dorset* in She pherd's Bush to the *Novotel* and boutique hotel *St Paul's* in Hammersmith.

“Creativity and the arts are essential components of a good life”

Building buildings

During the first phase of the Borough's industrial strategy, the Council has enjoyed considerable success in persuading developers to put STEM³ growth at the heart of their schemes.

The senior team at *Yoo Capital*⁵¹ were amongst the hundreds of business people who came to the launch of our STEM³ local industrial strategy in 2017. They have since ensured their *Olympia*⁵² and *Shepherds Bush*

*Market*⁵³ developments contribute to the goals of the strategy. Similarly, *Dominvs Group*⁵⁴ has built⁵⁵ student accommodation with *Imperial College London* (*Imperial*), and a hotel. *Delancey*⁵⁶ have worked with the Council and *Imperial* to submit plans for their *Earls Court* scheme which they say fits with the social, economic and climate change objectives of the Borough's STEM³ growth strategy.

Parks and the riverfront

Green spaces are particularly cherished in a city. In Hammersmith & Fulham, we have 21 parks and open spaces and are proud of our urban wilderness.

We are and will continue to enhance accessibility to *Wormwood Scrubs* (known as the '*Scrubs*'), whilst preserving nature and its wilderness. At 76.8 hectares, *Wormwood Scrubs* is the Borough's largest open space. It has about 18 hectares of tree cover and 22 hectares of long grass meadow with

almost 100 species of birds and 250 species of wildflowers - an incredible one-sixth of the UK flora. Its leisure facilities include play areas, walking and cycling routes, sports pitches, a model aircraft runway and much more.

Enhancing these spaces is important in ensuring our Borough continues to be somewhere people love to live and work, and to help attract more people, businesses and investors who can further contribute to economic growth.

51. Yoo Capital is a real estate firm that uncovers hidden gems which have been under-managed or overlooked, and works with communities to transform them

52. £1.3 billion regeneration of Olympia will create London's newest creative district: a destination for culture, education, entertainment, exhibitions, offices, eateries and over two acres of public realm

53. Investment in the Market along with a new development on land next door, including a life sciences building with an incubator managed by Imperial College London and 40 affordable new homes for Hammersmith and Fulham

54. Dominvs Group was founded in 2011. It is a progressive, family-run developer and operator, specialising in driving urban renewal through the delivery of student living, residential, mixed use and hotel schemes across London and in other major cities across the UK

55. 181 Talgarth Road is a mixed-use development, now comprising a 400-bedroom hotel and a 713-unit student accommodation block

56. Delancey is real estate asset management and advisory company, investing in real estate investments, developments and related businesses

57. OECD, "Preface by the OECD", in *The Culture Fix: Creative People, Places and Industries*, (Paris: OECD Publishing, 2022)

58. OECD (2022) *ibid*

59. The LMS Gene-Home was an exhibition and event space celebrating health, home and happiness and the achievements of those who have contributed to medical science in Westfield London

Lessons from other Innovation Districts

Innovation districts across the world recognise and harness culture as a driver of economic development and community engagement.

- Boston's *Seaport Innovation District*⁶⁰ aims to combine culture with technology and sustainability, with events including an 'ArtWeek' which brings the community together.
- Barcelona's *22@* has converted its old industrial spaces into cultural and creative offices, with museums, galleries and design schools part of the mix.⁶¹
- Eindhoven's *Strijp-S District*⁶² has creative labs and open workshops that serve as collaborative spaces, reflecting how culture can drive innovation.



Luis M. Bullrich, Executive Director of Parque de Innovación, Buenos Aires

A long term culture strategy

In 2020, the *Hammersmith and Fulham Arts Commission*, made up of residents, published its final report. The report's primary recommendation was the creation of a comprehensive cultural strategy that embraces the "cradle-to-grave" concept, ensuring access to cultural experiences for residents of all ages.⁶³

Key recommendations included establishing vibrant cultural hubs in our town centres so as to enhance local engagement and economic growth; developing infrastructure through public-private partnerships to support both physical and community-driven cultural initiatives; ensuring wide participation across all demographic groups, making cultural engagement accessible and reflective of the Borough's diversity; and, in the light of the COVID-19 pandemic,

providing immediate support for the cultural sector with long-term planning for resilience and adaptation.

The Arts Commission's work informed *Hammersmith & Fulham's Culture Strategy 'Where Culture Connects'*,⁶⁴ which outlines a 10-year vision aimed at enhancing the Borough's cultural landscape. It echoed the recommendations of the *Arts Commission* and highlighted that culture should also be seen as a driver for economic innovation, job creation, and shared prosperity. To this end, there should be an emphasis on harnessing local creativity to attract investment and fuel regeneration efforts. *The Cultural Strategy* also aligns with our Industrial Strategy to ensure that arts and culture contribute to economic development and community cohesion.

A safe modern night time economy

Our Borough has many brilliant evening and night-time venues. It also has a wonderful, if under-utilised, riverside and excellent transport links, including the *Night Tube* at weekends.

However, the three main town centres of Fulham, Hammersmith and Shepherds Bush lack a critical mass of balanced evening activity and do not attract and retain as many residents and visitors 'after dark' as they could.

The public realm and feelings of safety are not always conducive to supporting a growing and diversifying evening and night-time economy.

We believe that a balance has to be struck to create an environment within which responsible business operators can succeed and contribute towards a vibrant business and thriving night-time economy in a sustainable way - promoting economic growth whilst protecting residential amenity.

We have published a *Licensing Policy* to support these changes. Now, through an *Evening and Night Time* strategy consultation⁶⁵, we will work with businesses, the police and residents to ensure we are supporting existing businesses, attracting new investment and creating a welcoming,

vibrant, safe and inclusive post-6pm environment for residents, businesses, workers and visitors.

As we visualise the next phase of growth, and the next phase of our local industrial strategy, we believe the following key elements could play an important role in enhancing the night time economy and experience for residents:

- **A WORLD-CLASS** arts and culture offer at our *Civic Campus*, part of a wider *Cultural Corridor*: We will connect existing cultural assets with the *Civic Campus*, ensuring a vibrant and representative arts and cultural scene.
- **GROWING** the *Shepherds Bush Comedy Festival* into a sustainable venture that draws visitors into our Borough and gives residents and local employees an opportunity to enjoy world-class talent on their doorstep.
- **SUPPORTING** the important role played in the night time economy by *Hammersmith Apollo (Eventim Apollo)*, *Fulham Palace* and the *Thames Path*, a scenic riverside walk, with several historic pubs and venues along the way.

Student accommodation

Hammersmith & Fulham is home to world class academic institutions including *Imperial*, the *Royal College of Arts* and *LAMDA*.

There are around 12,000 students currently living in the Borough and this is projected to rise as demand for affordable accommodation intensifies. Our new *Local Plan*⁶⁶ will include planning policies to support the delivery of more good quality accommodation to support this growing population.



60. Boston's Seaport Neighbourhood: bostonseaport.xyz [Accessed 6th November 2024]

61. Pepi Baulo, *The 22@ the coolest district in Barcelona*, barcelonina.com, 5th September 2015

62. brainporteindhoven.com [Accessed 6th November 2024]

63. LBHF Art Commission, *Final Report*, (London, LBHF, 2020)

64. <https://www.wherethecultureconnects.org.uk/> [Accessed 6th November 2024]

65. Evening and night-time strategy consultation, <https://haveyoursay.lbhf.gov.uk/evening-and-night-time-strategy-consultation> [Accessed 6th November 2024]

66. LBHF Local Plan, forthcoming

A strong retail sector

We recognise the importance of having a strong retail sector to make a place somewhere people want to continue to live, work and grow their businesses. Hammersmith & Fulham is home to a thriving retail sector and we plan to continue to support the sector through the next phase of our work. Key features of our Borough's retail sector include:

- Hammersmith & Fulham has 3 town centres, 5 key local centres and 21 further shopping areas, making a total of 29 shopping high streets. 76% of our businesses are independent.
- The Borough contains around 9 million square foot of retail space, making it the fifth-largest market in London by volume of stock. More than a third of its retail space is situated within the Borough's five shopping centres, by far the largest of which is *Westfield London*. Hammersmith & Fulham has received more new retail space than most London submarkets over the past 15 years. *Westfield London* was built in 2008 and was extended by 740,000 square foot in 2018, making it Europe's largest shopping centre, at 2.6 million square foot. In January 2020, *Ingka Centres* (the property arm of Swedish furniture retailer *IKEA*) bought *King's Mall Shopping Centre* as part of a £170 million investment, redeveloping the 340,000 square foot property as an *IKEA*-anchored mixed-use destination.
- Footfall has increased in the Borough by 9% over the last year, according to the GLA.⁶⁷
- Over £100 million was invested the local retail sector last year (October 23 -24).⁶⁸ During the last 18 months several global retailers have upgraded their store sizes as they integrate their digital and physical offerings. *Nike* trebled the size of its store to 17,000 square foot, while *Gucci* doubled its footprint. Toy shop *Hamleys* recently moved into an extra 11,000 square foot, *Apple* took another 12,000 square foot and fashion house *Tommy Hilfiger* took 6,000 square foot of additional space.
- *North End Road Market*, founded in the 1880s, is known as the cheapest place to buy fruit and vegetables in London.



Encouraging the hotel sector

Hotels in the Borough range from Soho House's *White City House*, *The Hoxton* and *Dorsett* in Shepherd's Bush to the *Novotel* and boutique hotel *St Paul's* in Hammersmith. Ensuring the continued supply, range and quality of visitor accommodation is essential to support our economy and this will form an important element of our strategy as we move forward.

Planning and delivery frameworks

The Council has a range of levers it employs to support and accelerate inclusive growth in the Borough. These include legislation, regulation, standards, public procurement and use of our own property and assets.

The *Local Plan* adopted in 2018 provided the town planning framework for major regeneration strategies and development in *White City*, *Earls Court*, *Fulham Riverside* and Hammersmith town centre.⁶⁹ Much has been achieved, but there is more to do to ensure that *White City* continues to grow and the innovation ecosystem extends further across the Borough.

Work on our new *Local Plan* is underway which will set out our shared vision for the future development and growth of the Borough and the distinct places within it. Our *Local Plan* will align with, and facilitate the delivery of, our local industrial strategy alongside the new national housing agenda and local climate commitments. It will shape our places, plan and manage growth and guide development across the Borough and the infrastructure needed to support it. At its heart will be a place making approach.

A new *White City Framework* will provide a more detailed masterplan to maximise the opportunities and future development of the innovation district. This Framework will draw together planning principles and guidance for landowners and investors for a range of core and supporting innovation uses, a strategy for reimagining the use of public realm, removing barriers to unlock growth, planning for infrastructure needs, and a funding and delivery schedule.

The Riverfront is a significant Borough asset, and one that has been underplayed to date. We hope to transform Hammersmith & Fulham's riverside into a vibrant urban space that showcases integrated urban and environmental planning. A new *Riverfront SPD* (*Supplementary Planning Document*) will guide proposals to secure public access to



the entirety of the river frontage, rejuvenate and create new public spaces, address the multifaceted challenges of climate change, facilitate and enrich socio-cultural interactions, and achieve a better integration with the surrounding urban fabric.

The transition of Hammersmith & Fulham to an *Innovation Borough* that creates better places to live, work, invest and relax requires transformative change in the quality of the urban environment and investment in modern infrastructure and services. A *Planning Obligations SPD* will be developed to address priorities and set out robust arrangements for securing developer contributions towards provision, including commitments to inclusive growth outcomes.

Consultation on all of these plans will begin in 2025/2026, informed by a suite of technical studies including an analysis of the demand for and supply of employment land including STEM³ sectors, housing need, student housing, visitor accommodation, design codes, climate change mitigation, town centres/high streets, infrastructure needs and delivery including community facilities.

“ Work on our new *Local Plan* is underway which will set out our shared vision ”



Case study four - Scale Space

Inside a *White City* success story: *Scale Space*

As part of its 'entrepreneurial municipal government' approach, the Council's leadership introduced *Blenheim Chalcot* to *Imperial* and suggested they develop a venture partnership to build work space for startups and scale ups together. *Scale Space* was born, and remains an example of how important economic assets can be developed without the need for direct government funding.

Scale Space is now 100% occupied. It enjoys record levels of attendance and event activity, which its CEO Mike Holmes attributes to several factors:

- It is a building that is physically geared around collaboration and fostering 'accidental collisions';
- Events and conference spaces bring exciting businesses and visitors to *Scale Space*, adding to the space's lively and intellectually stimulating atmosphere - encapsulated by *Blenheim Chalcot*'s "*Centre for GenAI Innovation*" which regularly hosts workshops and events on the topic of AI;
- Investment in different levels of network building - from *Lunch and Learns*, functional and cluster networks, *Careers Fairs* (that bring in *Imperial* students), and regular social events;
- Introductions to vouched-for service partners and an extensive investor network, providing member companies with specialist support and connections beyond their immediate team as they grow; and
- The thriving community also includes member companies from *Imperial's I-HUB*, bringing together over 110 businesses within a 2-minute walking radius.

Case study five - WEST Youth Zone

WEST Youth Zone, a new state-of-the-art youth facility, developed as a result of local growth and Hammersmith & Fulham Council's growth strategy in partnership with national youth charity *OnSide*

Hammersmith & Fulham believed it needed to add new, professionally-run youth facilities in the *White City* area if it was to deliver more comprehensive extra-curricular support to its young people which aligned their life trajectories to the opportunities being delivered by the industrial strategy and innovation district. Working with the education charity *Ark* and the youth charity *OnSide*, it developed *EdCity*, where *WEST* is located.

The 2021 census showed that 20,700 young people aged 8-19 years lived in Hammersmith & Fulham, with 28% living in poverty after housing costs. A 2023 survey of 5,000 young people in England showed 75% spend most of their time on screens, at home and 41% do not have a trusted adult outside their family. *WEST* meets the needs for these young people to access opportunities beyond home and school. Some young people have high aspirations but face difficult barriers.

Others are unaware of the opportunities or don't have role models, connections or know how to take the next step. Meanwhile companies can often find it challenging to connect with local young people in meaningful ways. *WEST* is a place companies and young people can really connect.

Six key features have made *WEST* so attractive to local young people:

1. 15 fully-equipped spaces with 20 activities every session including climbing, cooking, well-being, digital media, sports, arts and a central café and recreational area;
2. Friendly and expert youth-workers who engage and support members;
3. A great location;
4. Low entry fees;
5. Long opening hours; and
6. A flexible offer with no booking needed.

As a result, local companies and business leaders are engaging with the *Youth Zone*, with over 40 business leaders and philanthropists backing *WEST* as 'Founder Patrons' including *Westfield*, *L'Oréal*, *Blenheim Chalcot*, *GSK*, *Novartis*, *Harrods*, *St James Group*, *Fullers*, *Modulr*, *Agilisys* and *MAPP*, with more partnerships in development.

“*WEST* is proving an ideal venue for local businesses and young people 'To Stick Together'”



WEST members and L'Oréal volunteers discussing products on a Friday Seniors session (13-19 years)

WEST is proving an ideal venue for local businesses and young people 'To Stick Together'. The ownership young people feel at *WEST* connects them positively with invited businesses. This trust enables young people to enter their business worlds and has supported creative joint activities such as *Career Club*, *Debate Club*, *Young Leaders*, *Business Take-overs*, *Work Safaris* and *Career Fairs*.

Alberta Agyeman-Mason, Head of Early Careers and Employer Branding at *L'Oréal* said, "*L'Oréal* believes in the power of youth and their potential to shape the future.

"We moved into the neighbourhood just over a year ago and were so impressed with the life-changing opportunities you are providing to young people at *WEST*."

"I think it's such an impactful project and really reflects what *L'Oréal* for Youth is all about - empowering young people by providing them with resources and opportunities to thrive."

“Some young people have high aspirations but face difficult barriers. Others are unaware of the opportunities or don't have role models, connections or know how to take the next step”

WEST opened its doors in April 2024 and within six months has over 2,000 members



Case study six - Football and Fintech

Fulham FC and FIS FinTech partnership: The Markers innovation space and technology incubator

Fulham Football Club's new Riverside stand is much more than a football stand. It includes a new hotel, a riverside market, spa, restaurants, cafés, conference facilities, offices, an incubator and a wide range of excellent hospitality facilities. The new complex, named *Fulham Pier*, was brought to life by the Borough's culture of 'entrepreneurial municipal government'. The idea to build such a multi-faceted football stand was discussed by the Council's leadership and Fulham's FC's senior leaders in 2014 when they met to talk about a different planning proposal. The goal was to add to the desired STEM³ cluster and give Fulham FC a stronger economic environment they could profit from when the club was not being used for football matches. These new facilities offer further opportunities for collaboration with the Borough's industrial strategy partners - for example, the new complex also includes a new innovation space and FinTech hub⁷⁰

“It will serve as a cutting-edge technology incubator, fostering a culture of innovation”

which is part of a new partnership with Fidelity Information Services (FIS).⁷¹

The FinTech hub, the *Markers Suite*, is a new destination for business leaders. It is close to transport and overlooks a particularly beautiful part of the River Thames. Business leaders will benefit from industry events, client conferences and a space to collaborate and share new ideas that foster business growth across the money lifecycle in the UK.

Alistair Mackintosh, Fulham FC CEO explains:

“We already know the immense potential of the Fulham Pier with its strategic riverside location and the unique opportunities it presents as the only stadium revival of its kind in Europe. The partnership with FIS with its Markers, presented by FIS suite is another important facet for our business community. It will serve as a cutting-edge technology incubator, fostering a culture of innovation that is expected to make Fulham Pier one of the most coveted destinations in West London. This initiative underscores the significant role that fintech sandboxes play in driving technological advancement and community engagement, positioning Fulham Pier as a beacon of forward-thinking development.”



Case study seven - SEACC

Sands End Arts & Community Centre: a space for residents to learn and grow

The Sands End Arts & Community Centre (SEACC) was opened on 11 March 2022. Situated in the south of the Borough, it provides a space for residents of all ages to engage in a wide variety of leisure, community, wellbeing and learning activities.

SEACC is one of a range of public and private community facilities (which includes the new Civic Campus in Hammersmith) that can be used as places for people to learn about and

take part in the STEM³ innovation economy. That involvement will range from an evolving series of activities such as TED-style talks given by scientists, artists, entrepreneurs and others, to taking part in *Living Lab* work that offers residents new skills and insights and improves their wellbeing.

The centre has won numerous awards, including an *Architects' Journal* award for being "high-performing in terms of sustainability" with 35% of the new building made from recycled products. It also won *RIBA's London Building of the Year* and the *RIBA Regional and National awards in 2022*.⁷²

“The centre has won numerous awards, including an Architects' Journal award for being "high-performing in terms of sustainability"”

SEACC was built on land that was previously set aside to be sold to developers for private flats. However, the Council's leadership were able to negotiate funds from the *Thames Tideway Tunnel* and *Chelsea Football Club* to create this important community asset.



70. Greg Robinson, FIS Teams Up with Fulham FC: A Game-Changer for London's Fintech Scene. *SME Today*, 18 October 2024
71. FIS (Fidelity Information Services) is a leading global provider of financial services technology solutions for financial institutions, businesses and developers.

72. <https://www.mae.co.uk/projects/sands-end> [Accessed 6th November 2024]

Chapter 4

Housing that supports the ecosystem

The *OECD* has shown the many ways in which housing is a determinant of inclusive growth and recommends that governments need to “make housing an integral part of the inclusive growth strategy”.⁷³

Hammersmith & Fulham has long recognised this. We have adopted a holistic approach to housing which recognises its importance as a driver of growth, cohesion, and wellbeing.

We believe that a safe, good-quality, affordable home is vital to social and economic inclusion. We understand, too, that we can only build homes that serve our residents and communities by involving them in the design and construction process for new developments. We are building homes that reflect the diversity and needs of our residents, from low-income families and key workers to those who struggle to access the private market but do not qualify for traditional affordable housing. We are ensuring that our new homes serve our communities, rather than speculative absentee investors.

As we aim to continue to apply a holistic approach to housing, the context is challenging. The UK, like many other western economies is experiencing a housing crisis but “*Britain’s housing stock offers worst value for money of any advanced economy*”, and “*Housing absorbs a larger share of spending in the UK than in any OECD country except Finland*.”⁷⁴

“ We believe that a safe, good-quality, affordable home is vital to social and economic inclusion ”

This presents many challenges. It is a particular challenge for firms and institutions seeking to attract talented people whose salaries do not permit access to market housing, nor are they eligible for key worker or social housing. As the *Independent Review* of the UK’s private rented sector points out, for many economically active workers the private rented housing sector (PRS) is the only available option but it “is the most expensive of all forms of housing tenure.”⁷⁵

This is an unsustainable situation which the new Government has made a key focus of its administration.

Hammersmith & Fulham has the third highest land values in the UK. This has attracted both property developers who build and property speculators who do not or cannot build. As with all high value areas, a simple planning approval can vastly change the value of land without a brick ever being laid. For example, the 2007 to 2019 *Earls Court* scheme saw land values soar to a peak of over £12bn⁷⁶ once planning permission was gained in 2013. It contained a plan to demolish but not replace two large council estates and to build just 11% ‘affordable’ housing. It brought about⁷⁷ the demolition of the two *Earls Court Exhibition Centres* which, at their peak were said to have “generated a £2 billion turnover for the economy”. It experienced huge collapses in value before being sold⁷⁸ for £425m.

Mismanaged developments such as this, combined with land banking, are blighting



Cllr Alex Sanderson, Deputy Leader of Hammersmith & Fulham Council, visiting EdCity development in White City

neighbourhoods and holding back economic growth. We will act to stop this. Hammersmith & Fulham is positive about good development which meets the needs of its high-growth economic ecosystem and of wider society.

Our planning department is one of the most effective in the UK. Over the last year (2023 - 2024) the Council approved 92% of all planning applications, one of the highest rates in London and the department is within the top quartile of local planning authorities nationally in terms of its speed of decision making on major planning applications. Since 2018 a total of 9,263

new homes have been granted planning permission in Hammersmith & Fulham. This includes market and affordable homes built by the private sector and increasingly more by the council: over the last ten years the Borough has started building 1780 affordable homes and has agreed to build 3,000 more affordable homes.

The Borough’s current plan seeks to build a broader range of housing options. The plan is to make it possible for people to live near their place of work, supporting both the local economy and the wellbeing of residents. Our vision for housing consists of a number of key pillars:

73. OECD, “How can housing policies and governance help deliver inclusive growth?”, in *Housing and Inclusive Growth*, OECD Publishing, Paris 2020
74. Resolution Foundation, *Housing Outlook Q2 2024*, (London: Resolution Foundation, 2024)
75. Stephen Cowan, *Independent Review of the UK’s Private Rented Housing Sector* (London: London Housing Group, 2024)
76. Jonathan Prynn, “£12 billion Earls Court revamp ‘is undeliverable’, council leader argues” *Evening Standard*, 19 January 2018
77. Earls Court Exhibition Centre, Wikipedia
78. Jonathan Prynn, “Major victory after Earls Court housing estates under threat of demolition handed back to council”, *Evening Standard*, 18th November 2019

1. Leading the way in affordable housing

We are proactive in addressing the housing crisis by building more affordable homes. By 2029/30, our ambitious development programme will have delivered more than 1,800 new homes, at least 65% of which are affordable. Our homes prioritise a range of residents including social housing tenants, key workers, and middle-income earners who find it difficult to afford private market housing.

This mix of housing is important as living in a mixed-income area can increase a child's lifetime earnings by up to 15% compared to growing up in more economically segregated neighbourhoods.⁷⁹

We are introducing the *Council Shared Equity (CSE)* tenure as an alternative to traditional shared ownership, making homeownership more accessible to more of our residents.

Affordability is critical for local employers who rely on access to a stable workforce. By developing new 'Affordable Housing +' tenures that connect employees to homes linked to their professions, we will boost the attractiveness of the Borough to businesses and workers. To achieve this, we are collaborating with key developers, such as

the *Earls Court Development Corporation (ECDC)* over the course of 2025, to provide Campus-style housing linked to employment. The homes will be for professionals who do not meet traditional affordable housing criteria, but at the same time cannot afford property on the open market. This model will consist of an affordable home ownership tenure, whereby new homes are discounted from market value based on employee earnings, as well as a discounted rental tenure which exceeds affordable rent thresholds but falls below market rent.

In addition to homeownership interventions, we are also seeking to address the affordability and quality of housing in the private rented sector through the establishment of a council-owned housing company. This initiative is aimed at acquiring homes to increase the housing options available to residents while also raising the overall standard of housing in the private rental market. The establishment of a housing company will also enable the council to be flexible in providing support to employees in STEM³ industries access employment and settle in the Borough via a range of rental options.

2. Boosting family housing

Recognising the growing demand for affordable family housing and the reduction in young families in the Borough, we will publish our new 'Family Housing Strategy' by 2025. The aim of this strategy will be to ensure that families, including those who might not qualify for social housing, have access to affordable homes.

By providing more affordable homeownership options, we will be helping families stay or settle in the Borough, enabling them to contribute

to its long-term prosperity. Through this strategy, we will aim to address immediate housing needs and set the stage for future economic growth. By attracting and retaining younger families - who are essential to the Borough's workforce and community fabric - we will help to ensure that Hammersmith & Fulham remains a place where people can build a future.

This is particularly important as only 30% of those aged 16-39 own property in London, compared with 40% across the UK.⁸⁰

3. Inclusive regeneration

We recently concluded a comprehensive review of our homes to understand stock condition and investment requirements. From this review, we understand that certain homes require substantial investment.

The council is committed to providing good-quality homes for our residents, and to pursuing the target of reaching net-zero by 2030. We have set a blueprint for this with our *EdCity* scheme, in partnership with Ark, where we are building 132 new affordable homes, a modern school, office, adult education centre and youth zone.

4. Housing at the heart of inclusion and growth

We believe that a safe, good quality home is vital to social and economic inclusion. Underlying our housing and development projects is a commitment to co-production. This commitment involves residents in the decision-making process from the outset, ensuring that communities have a say in how their neighbourhoods are shaped. By fostering a sense of ownership and collaboration, we can help build stronger, more resilient communities.



Cllr Frances Umeh, H&F Cabinet Member for Housing and Homelessness, at Hartopp and Lannoy Point Passivhaus project

5. Building sustainable homes and infrastructure

We are committed to being a net-zero Borough by 2030. Our new homes are built to the highest possible standards of sustainability and energy-efficiency, and we prioritise the provision of green space and improved public realm. Our commitment to building sustainable new homes also benefits our residents through the reduction of energy bills.

We have been setting the tone for this type of development through our earliest schemes: *Hartopp and Lannoy, Farm Lane, and Lillie Road*. These three developments will provide a total of 207

new homes and will be built to *Passivhaus* classic standards, an industry-recognised sustainability accreditation. Once our *Lillie Road* project is complete, local residents and community groups will also be able to benefit from a new, modern community hall.

As we move forward we aim to build schemes to the highest possible sustainability standards, re-provide state of the art modern schools, nurseries and community halls and improve the public realm.

79. Peter Bergman and others, 'Creating Moves to Opportunity: experimental evidence on barriers to neighbourhood choice' NBER Working Paper Series Working Paper 26164 (August 2019)

80. London Assembly Housing Committee, 'Young Londoners' Access to Home Ownership (London: London Assembly March 2024)

Chapter 5

Democratising innovation

Upstream London includes the potential for real world impact from the STEM³ revolution. Our mission is to make this 'Innovation Borough' the best place to deploy brilliant invention for real world impact, and for citizens to be seamlessly engaged and involved in this process.

We will build on the co-creation already happening across the Borough to establish real-world evidence deployment for groundbreaking innovation and technologies within climate, energy, sustainability, health and other innovation and technologies.

Up to 75% of venture-backed startups fail.⁸¹ The growth of innovation is most often halted by the following factors:

- Lag in scale up (often referred to as the 'valley of death').
- Lack of funding.
- Appropriate evidence across broad populations.⁸²

The Borough is exploring how we can help to tackle these three factors, and boost innovation, through democratising innovation,

Existing activity and infrastructure

Living Lab activity is already taking place across exciting areas of health and climate technology in the Borough. In 2023, families with asthmatic children were invited to join *Imperial College London's (Imperial's)* world-leading experts to find out how air quality affected their health. This pioneering study - called 'WellHome'⁸⁴ - measured indoor air quality levels over a year, with participating families receiving up to £300.

Led by Professor Frank Kelly, Battcock Chair of *Community Health and Policy*, the *WellHome* team included 30 'ambassadors' from the local community who secured support

taking best practice from the 'Living Lab' model, local practitioners and experts.

As defined by the *European Network of Living Labs*, 'Living Labs are open innovation ecosystems in real-life environments using iterative feedback processes throughout a lifecycle approach of an innovation to create sustainable impact. They focus on co-creation, rapid prototyping and testing and scaling-up innovations and businesses, providing (different types of) joint-value to the involved stakeholders.'

In essence, residents would have more opportunities to get involved in scientific research within the Borough that seeks to improve their own health and the local environment.⁸³

from families for the study. In addition to the research, WellHome raised awareness and understanding of air pollution through educational sessions, workshops, panel discussions and interactive science activities.

The ability to engage residents and to build trust within communities is a critical part of 'democratising innovation'. Only with this trust will residents feel able to participate and to benefit from studies. We will seek to understand and share the good practices that Professor Kelly and his team have learned with others seeking to democratise their innovations.



Imperial's Professor Frank Kelly at a participant's home in White City for the Environmental Research Group's WellHome project monitoring indoor air pollution

It is worth noting the work of Imperial's *Patient Experience Research Centre*,⁸⁵ which promotes participatory approaches to improving healthcare and biomedical research. Funded by the *NIHR Imperial Biomedical Research Centre (BRC)* and the *Imperial College Healthcare Charity*, a multidisciplinary group of clinicians, public health specialists and social scientists use quantitative and qualitative research methods to promote active communication between patients, researchers and clinical staff to address real problems, and through this improve the quality of healthcare and the impact of translational research.

Not all innovations require the direct involvement of people to be tested. *Cyanoskin*, which won Imperial's *Venture Catalyst Challenge 2024*, has a 'living paint' that turns buildings into CO₂-absorbing structures. This paint is being trialled on a wall at *Scale Space White City*. Could it also be used by other developments, practically assisting startups and improving our environment? The Council will use its soft and regulatory powers to encourage developers and

building owners to roll out such innovations.

Undaunted, *Imperial's Scale Space*-based climate-tech accelerator is a source of incredible innovation. High energy prices mean retrofitting is an opportunity to improve insulation and energy efficiency. The Council will work with Undaunted to understand the climate-tech innovations available and to promote their implementation in the Borough.

With its varied housing and one of the most diverse populations in the country, Hammersmith and Fulham is an ideal place to test innovations. This 'democratising' of innovation represents an aligned approach between industry, academia, and the public sector to deliver real world impact.

Our ambition is that over time, a track record in coproduction and accelerated scaleup between local innovators and the local community could embolden the iterative aspects of a living lab: R&D and invention can be responsive to population health and place needs as well as seeking a fertile ground for the deployment of existing innovation.

81. Shikhar Ghosh, 'Why Most Venture-Backed Companies Fail' *Harvard Business School News*, 10 December 2012
82. 50% of experimental drugs fail in Phase III (mass) trials as the results cannot be replicated across broader patient demographics. From Attila Seyhan, 'Lost in translation: the valley of death across preclinical and clinical divide – identification of problems and overcoming obstacles' *Translational Medicine Communications* 4: 18 (2019)
83. Examples include where lifestyle interventions improved health more than medication – see Marinella Temprosa, *Diabetes Prevention Program Outcomes Study (V6)* [Dataset]. NIDDK Central Repository. <https://doi.org/10.58020/66x5-8y21> (2024) and where participation can help diagnose disease sooner, *NIHR Be Part of Research* <https://bepartofresearch.nihr.ac.uk/what-is-health-and-care-research/> [Accessed 8th November 2024]
84. WellHome - West London Healthy Home and Environment Study, Faculty of Medicine Imperial College London

85. Patient Experience Research Centre, Faculty of Medicine, Imperial College London

Chapter 6

Cooperative growth partnerships

“There are three reasons to be concerned about the UK’s large and rising regional inequalities.

First, inequalities in GDP per capita and productivity across regions are mirrored with inequalities in several other socio-economic indicators, including disposable incomes, life expectancy, and educational attainment. Second, as in other countries, rising regional economic inequalities have been linked to a changing political geography - dubbed a ‘geography of discontent’ - which may feed political instability. Third, the UK has a large and growing national productivity problem, with a fall in productivity growth post-2007 larger than any other G7 country except Italy.”⁸⁶

Comparison with other countries is always insightful. Comparisons between the UK and Germany, since Germany’s reunification in 1990, are notable⁸⁷ because Germany’s west-east gap is now smaller than the gap between London and the south-east and the rest of the UK. Analysis suggests this required significant investment⁸⁸ and a robust long-term plan. However, alongside an overly centralised

governmental system and an institutionalised reliance on ‘the invisible hand of the market’; short-termism is a British weakness.

Innovation districts offer communities an opportunity to nurture localised STEM³ ecosystems that will grow prosperity long into the future, rather than relying on short-term top-down funding solutions. Innovation districts all take slightly different routes in developing their plan and their growth road map, and the Borough is exploring how best to learn from these diverse insights.



Oslo Science Park with signed partnership agreement

Cooperative growth partnerships

While there is a growing number of academic studies, there is no perfect blueprint to place-based, innovation-led economic growth. Around the world, there are places which are getting the majority of things right. But there are also science parks, business districts, towns and cities where it is going wrong or where important opportunities have been lost.

To capture that learning, Hammersmith & Fulham has agreed a memorandum of understanding (MOU) with several innovation districts in the UK and around the world. Each ‘Cooperative Growth Partnership’

seeks to collaborate with other communities in countries that have established or are planning to establish successful innovation districts. The aim is to learn from challenges, share new strategies, tactics and solutions and to develop evidence-based road maps for inclusive economic growth.

This alliance for collaborative STEM³ growth is made easier and more fluid by technology. As with all enterprises, the personal relationship and networks that have developed have been important in accelerating learning.



So far Hammersmith & Fulham has Cooperative Growth Partnerships with:

- 22@ Barcelona
- Milano Innovation District (MIND)
- Lillestrøm kommune and Kunnskapsbyen Lillestrøm
- Parque de Innovación, Buenos Aires
- Oslo Science City and Oslo Science Park
- Royal Melbourne Institute of Technology (RMIT)
- The City of Rzeszów - Poland’s ‘Capital of Innovation’.
- Barnsley Metropolitan Borough Council
- Swindon Knowledge Central Innovation District

These national and international agreements each share similar MoUs which are centred upon:

- 1. SHARING** learning as each district develops its road map for high growth, inclusive economic ecosystems in future industries.
- 2. SUPPORTING** mutual business investment and growth between partners.
- 3. PROVIDING** learning opportunities for residents and employees.

Hammersmith & Fulham is keen to develop similar relationships with communities elsewhere in the UK and we are actively pursuing opportunities with a number of different local authorities who are also operating with an entrepreneurial municipal government culture.

International innovation districts convention

In late 2025 or early 2026 Hammersmith & Fulham will host the first of a series of international conferences for innovation districts. We will run this across the Borough with our stakeholders and our international partners.

The conference will provide an opportunity to share learning, showcase businesses, win investment for participants and chart how innovation-

led growth can transform the economic trajectory of communities. It will provide residents, schools and businesses with more opportunities to become involved, build connections and consider career and business options.

Funded by sponsorship, the Civic Campus and other private facilities across the Borough will play host to what we hope will become an annual event.

86. Anna Stansbury, Dan Turner and Ed Balls ‘Tackling the UK’s regional economic inequality: Binding constraints and avenues for policy intervention’. Contemporary Social Science, Volume 18, 2023 - Issue 3-4: (London, Taylor Francis, March 2023)

87. McCann and others, ‘UK interregional inequality in a historical and international comparative context’. National Institute Economic Review, 29 July 2020

88. Torsten Bell, ‘Britain might look to Germany to heal the north-south divide’. The Guardian, 2 August 2020

Chapter 7

Upstream London, where ventures thrive

Growth investment that can finance ambitious economic growth is a prerequisite to bolstering the successful ecosystem, underpinning the ambitions outlined in this document.

In London, venture capital (VC) has traditionally been based in and around Mayfair and the City of London. As the tech ecosystem has grown, others have appeared in Shoreditch. *Samila* and *Sorenson* have presented empirical evidence to show that areas with greater VC presence tend to have higher levels of entrepreneurial activity and innovation.⁸⁹

In Hammersmith & Fulham, the Council is using its *Upstream* partnership to build and develop relationships with investors and other funders who are well placed to support innovators within our local ecosystem, but more needs to be done.

As a place leader working with partners, the Council will work to showcase the unparalleled opportunities available within the Borough to the investment community, raising its profile and increasing interest in the innovative scale-ups based in the Borough,

especially those with genuinely investible propositions struggling to find investment.

Recognising the importance of appropriate workspace to start and scale businesses - and the barrier of being a high-cost part of the country - the Council will also align its own assets and its planning policy and land assembly powers to create this kind of space, proactively leading the charge and intervening where there are blockers to the market delivering it.

Scale Space's success and the continued demand for space in the *White City Innovation District* is an indication of the appetite for an environment which has collaboration and partnerships at its heart, with a range of in-house experts and service providers that can help a startup grow. Hammersmith & Fulham will work with developers and other stakeholders to use available land to ensure this successful model is replicated in other parts of the Borough.

The Council also recognises that the route to inclusive economic growth can involve not just growing businesses choosing to start and scale in the Borough, but also in attracting businesses to see the Borough as a location of choice in a competitive national and international market. To that end, we aim to create, in partnership, a global campaign to attract anchor businesses and cutting-edge start-ups.

The Borough starts from a strong base as an inward investment location, with some of its key sectors demonstrating its attractiveness as a place to invest.



Chi Onwurah MP, now Chair of the *House of Commons' Science, Innovation & Technology Committee*, speaking at the 2024 *Jawdrop Life Sciences Summit* in *WCID*.

Figure 5: Hammersmith & Fulham's Four Investment magnets

Health & Life Sciences	Tech & AI
<ul style="list-style-type: none"> A recognised premier European cluster: Hammersmith Hospital is at the forefront of introducing new technologies and over half of <i>Imperial College's IP</i> is focussed on <i>Health and Life Sciences</i>. The <i>White City Innovation District</i> is already home to various corporates - <i>Novartis, Synthace, Autolus, DNAe, ADC Therapeutics, Quell Therapeutics</i>, and <i>Avacta</i> among others. The start-up and scale-up scenes span diverse clinical areas such as <i>Advanced Therapeutics, AI & Data</i> and <i>HealthTech</i>. <i>Imperial College's White City</i> campus is home to various leading edge facilities: its Dept of <i>Bioengineering</i> focusing on solutions for medical technologies; its <i>School of Public Health</i> with expertise in epidemiology, clinical trials and evaluation and ageing; and a <i>MedTech SuperConnector</i> delivers a <i>Musculoskeletal Innovation Accelerator Programme</i> supporting candidates in translating their research into medtech innovation. 	<ul style="list-style-type: none"> <i>Imperial X</i>, <i>Imperial's</i> cross-department AI team, is rapidly expanding with 100 academics linked to over 30 projects across: <i>Health; Climate Tech; Defence; Economy; and Space</i>. An AI <i>SuperConnector</i> accelerator has been launched by <i>Imperial</i> that will help early career researchers in AI turn their work into startups. Complementing this, global venture builder <i>Blenheim Chalcot</i> supports tech start-ups and scale-ups from its base at <i>Scale Space White City</i>.
Creative Industries	Climate Tech
<ul style="list-style-type: none"> An existing high concentration of businesses in the creative industries, with over a fifth of firms in this sector. A broadcast and media hub of national significance with the likes of <i>ITV</i> and <i>BBC</i> having a major footprint. Plentiful talent with the <i>London Academy of Music & Dramatic Art (LAMDA)</i> and the <i>Royal College of Art (RCA)</i> located locally. Extensive facilities across the Borough, including the <i>BBC's</i> three studios and post-production specialists. <i>LAMDA</i> has studios for virtual production, motion capture and audio, along with 16 rehearsal studios and three theatres. 	<ul style="list-style-type: none"> Established collaboration between the Council - which has a pledge to tackle the climate emergency - and <i>Imperial</i>, whose work in this field is expanding in <i>White City</i>. <i>Imperial</i> has the largest number of <i>Climate Tech</i> start-ups in the UK. Companies can apply to <i>Imperial's 'The Greenhouse'</i> cleantech accelerator and access specialist facilities and explore routes to funding. <i>Greenhouse</i> alumni have raised over \$1bn in investment and created more than 2,000 jobs. <i>Earls Court Development Company</i> is proposing inclusion a focus on the sector as they develop central London's largest cleared site - offering opportunities to showcase new technology.

Working closely with agencies in London and nationally, the Council looks to position the Borough as an inward investment hotspot and a central part of the wider London offer, recently collaborating with *MedCity* to showcase the *White City Innovation District* as a key plank in the *London Life Sciences Offer*.⁹⁰

89. Sampa Samila and Olav Sorenson, 'Venture Capital, Entrepreneurship, and Regional Economic Growth' *Review of Economics and Statistics* 93(1):338-349 (REPEC 2009)

90. MedCity News, 'London's Offer for Life Sciences Launch' (17th September 2024)

“ In 2014, the council sought to convene people around a common vision of Hammersmith & Fulham as a major STEM³ economic ecosystem and acted quickly to build a network of people who could innovate and help deliver that change. ”

Chapter 8

Entrepreneurial municipal serendipity

The most frequent questions asked by our growth partners is how did the industrial strategy partnership between *Imperial College London (Imperial)* and Hammersmith & Fulham become established, and how has the *White City Innovation District* grown so quickly.

Many of the original participants have moved on so it is important to capture and learn from what happened.

In large part, the answer is similar to answers that might be given to questions about the origins of any other enterprises. It started serendipitously and with a plan.

To answer the second question first, the unique working partnership between Hammersmith & Fulham and *Imperial* has given the enterprise greater speed, agility and breadth of operation. As with a disruptive startup that goes on to overtake established corporations and dominate a marketplace, the Borough's industrial strategy partnership sought to avoid the mistakes of bureaucratic setups which can lack creativity, be narrow in their vision and be slow to react to change. Instead, the partnership has allowed for much wider

networks across the respective organisations to quickly be exploited for the benefit of the inclusive growth project. This culture of collaboration has created a gravity that has pulled others in. It has brought about creative measures to supporting businesses, engaging other institutions and increasing inclusivity for the wider public.

To return to the first question, before ever meeting, both Hammersmith & Fulham and key people in *Imperial* had begun to contemplate building some form of innovation hub in the *White City* area.

“ This culture of collaboration has created a gravity that has pulled others in. ”

Hammersmith & Fulham

Professor Andrew Jones⁹¹ is a Hammersmith & Fulham councillor who has been the Borough's cabinet member for the economy since 2014. Andrew Jones and Stephen Cowan in 2009, while then opposition members, began discussing how they could develop a modern, localised industrial strategy that would build an inclusive economic ecosystem, if they found themselves in administration.

Influenced by Alfred Marshall's famous cluster theory⁹² and by Karl Polanyi's work⁹³ on the political economy, Andrew Jones and Stephen Cowan resolved to imitate the role played by the German Länder and city-states in their economic success. They adapted the work of Professors Henry Eskowitz and Loet Leydesdorff⁹⁴ on the 'Triple Helix' to their circumstances.

91. H&F Cabinet Member for the Economy and now President and Vice-Chancellor at Brunel University

92. Alfred Marshall, *The Principles of Economics* (History of Economic Thought Books, McMaster University Archive for the History of Economic Thought 1890)

93. Karl Polanyi, *The Great Transformation, Economic and Political Origins of Our Time* (New York: Rinehart 1944)

94. Loet Leydesdorff, 'The Triple Helix -- University-Industry-Government Relations: A Laboratory for Knowledge Based Economic Development' *Glycoconjugate Journal* 14(1):14-9 (January 1995)

They defined their triple helix as:

- Entrepreneurial municipal government
- World-leading institutions
- STEM³ businesses.

Elected in 2014, they sought to convene people around a common vision of Hammersmith & Fulham as a major STEM³ economic ecosystem and acted quickly to build a network of people who could innovate and help deliver that change.

The British entrepreneur Greg Jackson CBE accepted Stephen Cowan's invitation to lead the Borough's *Business Commission*. Coincidentally, Greg Jackson was founding *Octopus Energy* at that time. Greg persuaded Sophie Devonshire (now of *The Marketing Society*), to join him in this voluntary work.

Working with Prema Gurunathan who had been hired as a business adviser, Greg Jackson and Sophie Devonshire surveyed an incredible array of Hammersmith & Fulham's businesses as a part of the process of developing the Borough's business strategy - *Upstream*.⁹⁵ They launched the strategy on 21 March 2017. Amongst its many recommendations, was the advice that the local authority should promote affordable, flexible office and lab spaces to incubate and maintain entrepreneurial networks.

The Council's soft convening powers were enhanced by the relationship building that was undertaken by the Borough's leadership. Throughout 2015 and 2016, days were set

Imperial College London

The Charter forming *Imperial* was signed in 1907, originally as a college of the *University of London*. On 14 July 2006, Imperial's Council made the decision that it should withdraw from the *University of London* and become "a university, independent from any other organisation or structure".

In September 2009, Imperial purchased the 7-acre *BBC Woodlands* site in *White*



Cllr Andrew Jones, Cabinet Member for the Economy, at 2017 launch of Industrial Strategy.

aside each week where Stephen Cowan and Prema Gurunathan would meet different businesses ranging in size and scale, from start-ups to established corporations. The aim of the meetings was to build relationships and discover what the local authority could do that would better support each business.

The *Business Commission's* work ran alongside that of the Borough's *Poverty and Worklessness Commission*, which was chaired by Christina Smyth - a former civil servant.

Stephen Cowan and Andrew Jones had, via their officials, sought a meeting with Professor Alice Gast, the President of *Imperial College London*, so they could propose an industrial strategy partnership with Imperial. But it was Christina Smyth who eventually secured the meeting having met Professor Maggie Dallman OBE after being introduced by a headteacher who had given evidence to the *Poverty Commission*. Professor Dallman kindly took it upon herself to arrange the meeting. It took place on 29 June 2016.

City. In 2013, it added another 11.5 acres by purchasing the former *Unigate Dairy* plots to form a single contiguous *White City* site adjacent to the A40.

In April 2014, a feasibility paper⁹⁶ written by Chris Corbishley, then an Imperial PhD student supported by Dr Anne ter Waal and Professor David Gann (then Vice President for Development and Innovation) began to

set the scene within the University to focus on more creative and impactful ways to use its space in *White City*.

In September 2014, Professor Alice Gast was appointed to be *Imperial's* 16th President. Over the course of her education and career, Professor Gast had been at Princeton and the University of Pennsylvania. Critically, she had also taught at Stanford University and the Massachusetts *Institute of Technology*

(*MIT*) - both universities which are at the centre of world-leading economic ecosystems.

Professor Gast had also been a Science Envoy for US Secretary of State Hillary Clinton.

“ In September 2009, Imperial purchased the 7-acre BBC Woodlands site in White City. ”

The inclusive industrial strategy partnership

In June 2016, Stephen Cowan, Andrew Jones, Greg Jackson, Christina Smyth and a Hammersmith & Fulham official first met with President Alice Gast, Professor Maggie Dallman, John Anderson⁹⁷ and other senior people at *Imperial*, it was a serendipitous meeting of minds.

At the meeting, the Hammersmith & Fulham team made the case for a first-of-its-kind STEM³ inclusive industrial strategy partnership which would incubate a cluster of spinouts around the *White City* campus and establish an innovation district as part of a high growth economic ecosystem. Professor Gast presented a similar vision, and agreed to the new partnership in that first meeting.

The correspondence that followed from Professor Gast is insightful. The next day Professor Gast wrote to Stephen Cowan to say, "All of us were really enthused by the meeting and I am delighted there is so much common ground between us". Professor Gast went on to explain "There are clear synergies in what the College and the Council want to achieve". She proposed a further meeting with John Anderson and others "in the next few weeks to chart the ground for an initial partnership agreement and identification of common priorities".

In October 2016, Imperial opened its first office building in *White City* - the *Translation and Innovation Hub*. It is now simply called the 'IHUB'. On 12 July 2017 at the *IHUB*, Hammersmith & Fulham and *Imperial* launched the first phase of their joint *Industrial Strategy*. The strategy, '*Economic Growth for Everyone*'⁹⁸ had been written by Hammersmith & Fulham with the support of and input from *Imperial's* leadership. Together, they launched the *White City Innovation District* shortly afterwards.

The *Industrial Strategy's* recommendations included:

1. The creation of 'West Tech'.
2. A land development policy that supported affordable, flexible office space.
3. Encouraging enterprise which led to *Upstream*, a business support joint venture between Hammersmith & Fulham and *Imperial*.
4. A great place in London.
5. People - growth for all.
6. Promotion and support for town centres, arts and cultural venues.
7. Working with anchor organisations and others to ensure that all residents benefit from economic growth.

95. Hammersmith & Fulham Business Commission, *Upstream*. (London: H&F Council 2015)

96. Dr Anne ter Wal, *Imperial West as a world-leading Innovation District: A guide to best practice and feasibility*. Imperial London Business School (April 2014)

97. John Anderson, Chief Investment Officer, Imperial College

98. Hammersmith & Fulham Council *Economic growth for everyone: an industrial strategy for Hammersmith & Fulham* (London: H&F Council, July 2017)



Seven years of the Hammersmith & Fulham-Imperial College London Growth Partnership

In 2017 John Anderson was *Imperial's Director of Financial Strategy*. His role was to bring forward a flexible mixed-use masterplan that provided opportunities for relocation. He worked closely with the Borough's leadership as the innovation district began to take shape.

For example, in 2017, Stephen Cowan introduced Blenheim Chalcot to John Anderson with the suggestion they could take space in the *IHUB* and work together to provide 'affordable, flexible office space'.

John quickly arranged for Blenheim Chalcot to take space in the *IHUB*. They then signed an agreement with Imperial and together they set up *Scale Space*.

The partnership sought to facilitate this growth by delivering extensive high-tech workspace. It also set up *Upstream* to provide targeted business support which aims to facilitate advice and smarter access to investment, and set up an *Industrial Strategy Board* to build consensus and coordinate actions.

In addition, Hammersmith & Fulham also:

- Changed its planning guidelines to insist property developers deliver incubator and scale-up space.
- Began aligning schools, apprenticeships, and retraining programmes to the emerging opportunities in the Borough.
- Built a £150 million education and youth centre called *EdCity in White City*, so local young people can share in the opportunities arriving on their doorstep.
- Signed *Cooperative Growth Agreements* with other innovation districts around the world.

“The partnership sought to facilitate this growth by delivering extensive high-tech workspace”



Laboratory at Royce Institute, Imperial

Conclusion

Reflection and recommendations

Having started our work to support economic growth seven years ago, and having seen our Borough transform during that time with £6 billion of high growth investment and the creation of over 13,000 jobs, we have had the opportunity to learn from this experience.

Here we summarise some of the insights we have gained, both to celebrate the successes and to ensure we, our partners and our colleagues at other local authorities - each with their own unique circumstances and challenges - have the opportunity to learn from our journey.

Some of these insights - our experience of what works and what does not - could be

viewed as a blueprint, with elements that could be applied successfully elsewhere.

We recognise that we are still only part way through our journey, and that we do not have all of the answers. We are sharing the below reflections and recommendations at this stage for two reasons. Firstly, in line with the spirit of entrepreneurial municipal government, we believe in the power of

sharing insights so everyone can learn from the experiences, challenges and successes. Other local authorities and partners have the option to listen to and apply any element that they think would be relevant and applicable to their unique circumstances, and leave any that are less relevant.

Second, we strongly believe in the positive and essential role local authorities can play in supporting economic growth through an entrepreneurial municipal government culture, and the actions outlined below. At a time when decision making is becoming more devolved and the Government is

developing its national modern *Industrial Strategy*, we hope the crucial role of local authorities will be fully factored in.

“ We strongly believe in the positive and essential role local authorities can play in supporting economic growth through an entrepreneurial municipal government culture. ”

Reflections and recommendations

Key elements of our experience which we believe could be applied elsewhere include:

- 1. SETTING** a clear mission-led strategy to grow a localised economic eco-system, with a focus on the sectors that are set to grow and that are right for the local area.
- 2. DEVELOPING** an 'entrepreneurial municipal government' culture which acts to win investment.
- 3. TAKING** an 'adaptive' approach to planning, changing planning guidelines and rules to attract R&D-led academic and public anchor institutions, while offering affordable flexible start-up and scale-up space.
- 4. BUILDING** economic growth partnerships with universities, the *NHS* and other anchor institutions.
- 5. PLACE-MAKING** to transform the Borough, ensuring it continues to be a place people want to live and work.
- 6. PROVIDING** targeted business support and advice, as we have with *Upstream*, via a joint partnership with *Imperial College London (Imperial)*.
- 7. ATTRACTING** venture builders and offering entrepreneurs access to good business investors.
- 8. ALIGNING** education and skills opportunities to the local industrial strategy.
- 9. BUILDING** education and youth centres at the heart of the innovation district.
- 10. PUTTING** in place international economic collaboration agreements with other innovation districts.



As we move into the second phase of our mission-led strategy to achieve growth across the Borough and beyond, *Upstream London*, our focus is on doing everything we can to ensure economic growth is inclusive and improves the lives of everyone in our community.

We believe the three core pillars of our strategy and vision for this next phase - *Partnership, Place and Pathways* - will help to anchor our work and achieve total inclusive growth.

We would like to hear the views of more residents, businesses, educational institutions, community groups, and other partners and stakeholders as we further develop our vision for the second phase. If you would like to feed in your thoughts please get in contact with us.

Upstream of Central London and the City, we want Hammersmith & Fulham to be a place where ideas upstream of current thinking become a reality, where everyone has a say and where everyone can thrive and grow.



Cllr Bora Kwon, Cabinet Member for Adult Social Care and Health, with a visiting delegation from Anderlecht



“As we move into the second phase of our mission-led strategy to achieve growth across the Borough and beyond, *Upstream London*, our focus is on doing everything we can to ensure economic growth is inclusive and improves the lives of everyone in our community.”



hammersmith & fulham

↑UPSTREAM LONDON

lbhf.gov.uk/upstream-london



APPENDIX 2 - H&F Equality Impact Analysis Tool

Conducting an Equality Impact Analysis

An EIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative, or unlikely to have a significant impact on each of the protected characteristic groups.

The tool is informed by the [public sector equality duty](#) which came into force in April 2011. The duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

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- 1. Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Equality Act 2010**
- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against these three tenets.

General points

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense, and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.
5. If you already know that your decision is likely to be of high relevance to equality and/or be of high public interest, you should contact the Strategy & Communities team for support.

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Further advice and guidance can be accessed online and on the intranet:

<https://www.gov.uk/government/publications/public-sector-equality-duty>

<https://officesharedservice.sharepoint.com/sites/Governance/SitePages/Reports.aspx>

H&F Equality Impact Analysis Tool

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Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2024/25 – Q3
Name and details of policy, strategy, function, project, activity, or programme	<p>Update on ‘<i>Upstream London</i>’: the vision for the next phase of the Council’s Industrial Strategy</p> <p>Short summary:</p> <p>‘<i>Upstream London</i>’ is the next phase of the Council’s pioneering local Industrial Strategy. Launched in November 2024, the goal is to make the borough a global hub of innovation and inclusive growth.</p> <p>Upstream London is a strategic framework setting the direction of travel the Council will take to ensure economic growth is inclusive. It incorporates existing and proposed activities from across the Council, as well as collaborative activity with external partner organisations. It will be underpinned by a delivery plan which will set out a series of objectives grouped across three ‘pillars’ of activity – Pathways, Place, and Partnerships.</p> <p>Launched alongside and a central component of the wider strategy, the <i>Upstream London Pathway Bond</i> is a new partnership with business that will offer local people pathways to new skills and careers opportunities.</p>
Lead Officer	<p>Name: David Pack Position: Strategic Head – Economic Growth Email: David.Pack@lbhf.gov.uk Telephone No: 07970 952101</p>
Date of completion of final EIA	19/12/24

Section 02	Scoping of Full EIA
Plan for completion	<p>Timing: The Upstream London white paper document covers a multi-year vision with no fixed duration. However, the outline delivery plan to follow will cover the period to March 2026</p> <p>Resources: TBC</p>

Analyse the impact of the policy, strategy, function, project, activity, or programme	Protected characteristic	Analysis	Impact:
	Age	<p>The Upstream London white paper vision document outlines several provisions targeted at young people to increase their engagement with / returns from a growing and inclusive local economy. In particular, the <i>Upstream London Pathways Bonds</i> – a new programme of initiatives with partner businesses – will provide local residents with pathways into new skills, new careers, and the jobs of the future</p> <p>Businesses which register for the <i>Pathways Bonds</i> programme will commit to offering one or more of the activities listed below for young local residents to support their individual pathway towards continued education / employment:</p> <ul style="list-style-type: none"> - STEM inspiration and connections (workshops, activities, events, visits) - Apprenticeships and work experience - Extra-curricular and community support - Mentoring and sponsorship - Skills and education 	Positive
	Disability	<p>There is no anticipated impact in relation to disability at the current stage</p> <p>However, as part of the delivery plan under development, measures are being considered which would provide for targeted support for young people and adults with Special Educational Needs and Disabilities (SEND).</p> <p>This includes, as part of the <i>Upstream London Pathways Bonds</i> programme, the development of a bespoke offer for young people with SEND and, as part of a re-set offer Adult Learning & Skills Service, a programme of courses for individuals with Special Educational Needs to support learners into higher level courses, work opportunities, or supported employment</p>	Positive
	Gender reassignment	There is no anticipated impact in relation to gender reassignment	Neutral

Marriage and Civil Partnership	There is no anticipated impact in relation to marriage and civil partnership	Neutral
Pregnancy and maternity	There is no anticipated impact in relation to pregnancy and maternity	Neutral
Race	There is no anticipated impact in relation to race	Neutral
Religion/belief (including non-belief)	There is no anticipated impact in relation to religion / belief	Neutral
Sex	There is no anticipated impact in relation to sex	Neutral
Sexual Orientation	There is no anticipated impact in relation to sexual orientation	Neutral
Care Experienced as a Protected Characteristic	There is no anticipated impact in relation to care at the current stage However, as part of the delivery plan under development, measures are being considered which would provide for targeted support for Care Leavers. This is expected to include a further enhanced Care Leavers' Offer and Care Leavers' Hub as platforms to help care leavers benefit from H&F's career opportunities	Positive

Human Rights or Children's Rights

If your decision has the potential to affect Human Rights or Children's Rights, please contact your Equality Lead for advice

Will it affect Human Rights, as defined by the Human Rights Act 1998?

Yes / **No**

Will it affect Children's Rights, as defined by the UNCRC (1992)?

Yes/**No**

Section 03

Analysis of relevant data

Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.

Documents and data reviewed	<p>The Upstream London white paper vision document was informed by, and makes reference to, a range of supporting evidence. This includes literature discussing one of the central aims of the document – to achieve “total <i>inclusive</i> economic growth”. The paper refers to a report from the OECD which defines inclusive growth as “growth that is distributed fairly across society and creates opportunities for all” – a concept which underpins the <i>Upstream London</i> vision and is embedded within the various policy ambitions.</p> <p>The white paper document also draws on a range of other data sources, including central government policy papers and statistical releases; articles and research papers from relevant think-tanks; internal LBH&F strategy documents and reports; academic research and journal articles; media reports; and assorted quantitative socio-economic indicators such as high-street footfall, commercial property, and business investment metrics. Individually and where appropriate, many of these documents do feature data disaggregated by different equality strands</p>
New research	N/A

Section 04	Consultation
Consultation	Details of consultation findings (if consultation is required. If not, please move to section 06)
Analysis of consultation outcomes	<p>A range of key stakeholders were consulted during the development of the Upstream London white paper and these views helped to shape the ‘pillars’ of activity which underpin the vision. These stakeholders include local businesses, Imperial College London, government representatives, and relevant think tanks</p> <p>This consultation informed the themes of the whitepaper vision document – including the central aim of ensuring that any opportunities and economic growth generated in the Borough are “inclusive” and “improve the lives of everyone in our community”. In practice, this aim is embedded across the policy ambitions contained within the white paper – which will support the delivery of a range of amenities and services accessible to the public freely, equitably, and without distinction to individual and/or group characteristics.</p> <p>Further rounds of engagement are expected to take place as development of a costed delivery plan is undertaken. At appropriate stages following this engagement, the EIA will be updated accordingly to capture input from groups most likely to be impacted by proposed policies and any resultant equalities and inclusion findings will be summarised on that basis</p>

Section 05	Analysis of impact and outcomes
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Analysis	<p>Overall, the consultation and data analysis undertaken with regard to the Upstream London strategy – and associated white paper vision document – at their present stage, have identified only positive and neutral and no potential adverse impacts with regard to any of the groups that share protected characteristics. The analysis did identify certain areas where proposed policies are anticipated to yield positive impacts regarding groups that share certain protected characteristics – in particular with regard to of age and interventions contained within the strategy that target support for young people</p> <p>It is noted that the Upstream London Industrial Strategy is in the early phases of its development and, at this stage, the scope of recommendations for cabinet members is to note the publication of the white paper and the intention to develop and cost a delivery plan. As such, and given that the EIA is an iterative process, it is acknowledged that the EIA is to be kept under review and updated accordingly at appropriate subsequent stages of its development and implementation</p>
Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	The analysis of the strategy undertaken has identified only positive and neutral and no adverse impacts on any groups that share protected characteristics and as such no changes or mitigating actions are recommended
Section 07	Action Plan
Action Plan	N/A
Section 08	Agreement, publication and monitoring
Senior Managers' sign-off	Name: Andrew Munk Position: Assistant Director – Economic Development Email: andrew.munk@lbhf.gov.uk Telephone No: 07868 745840 Considered at relevant DMT: 19 December 2024
Key Decision Report (if relevant)	Date of report to Cabinet/Cabinet Member: 10/02/2025 Key equalities issues have been included: Yes/No
Equalities Advice (where involved)	Name: Yvonne Okiyo Position: Strategic Lead Equity, Diversity, and Inclusion Date advice / guidance given: 17/12/2024 Email: yvonne.okiyo@lbhf.gov.uk Telephone No: 07824 836 012

Report to: Full Council

Date: 22/01/2025

Subject: H&F Private Rented Sector Policy

Report of: Councillor Frances Umeh, Cabinet Member for Housing and Homelessness

Report author: Matthew Sales, Assistant Director, Programmes, Assurance and Analytics
Stefan Robinson, Head of Policy and PMO
Clancy Connolly, Policy Officer

Responsible Director: Sukvinder Kalsi, Executive Director of Finance and Corporate Services

SUMMARY

This report, which will be considered by Cabinet in February 2025, proposes the adoption of a new Private Rented Sector (PRS) policy for Hammersmith and Fulham (H&F), to ensure that private rented housing standards in the borough are among the best in London. The PRS has increased significantly in the past two decades, driven by historical national policy failures that paved the way for a reducing social housing and owner occupy housing sector. We have excellent landlords in the borough but national and local evidence shows that a significant number of PRS homes are poorly maintained and are unaffordable for local residents. Parts of the sector are also exploited by the rogue and unscrupulous behaviour of some landlords, agents and intermediaries, with families living in fear that they could lose their home with little notice or justification.

For many years, H&F has been delivering a comprehensive set of measures designed to improve the experience of private renting in our borough, through effective regulation and enforcement – led by our Private Sector Housing team. The PRS policy brings a renewed focus to how we will improve standards under four strategic priorities:

- **Priority 1: Working together with residents and private landlords** to listen to their views, raise awareness of rights and obligations and meet local housing needs.
- **Priority 2: Improving private rented quality, maintenance, and standards** so the borough has the right homes for our residents through local licensing and a national PRS register, leading in safety and a long-overdue Decent Homes Standard (DHS).
- **Priority 3: Delivering comprehensive enforcement action** that targets the poorly performing parts of the sector to safeguard the exploitation of residents.

- **Priority 4: Building a more inclusive and accessible PRS** that tackles discriminatory rental practices and delivers a more accessible and inclusive sector.

We will work to deliver against these priorities now, but what we need most urgently is significant national reforms to improve renters' rights, security, and housing standards. We are committed to collaborating with the new government on our shared ambitions to improve oversight of the sector and bring about a more equitable and balanced housing market for all.

RECOMMENDATIONS

1. The Council is to note the report and the supporting Private Rented Sector Policy for H&F (Appendix 1).

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Corporate Plan and the H&F Values
Building shared prosperity	The policy intends to deliver improved private housing standards for all residents.
Creating a compassionate and inclusive council	The policy sets out a range of measures to support residents in accessing good quality housing, and commits to help tackle rental discrimination in the sector, and listen to the needs of residents and landlords.
Doing things with residents, not to them	The policy commits to a programme of both landlord and resident engagement, and these groups have been engaged actively through the development of the policy.
Being ruthlessly financially efficient	The policy primarily identifies targeted support to renters that can be delivered within existing resources. Any additional expenditure in delivery will need to be agreed through the council's normal budget setting process.
Taking pride in H&F	The policy sets out the importance of high-quality private rented housing in our borough to our residents.
Rising to the challenge of the climate and ecological emergency	The policy speaks directly to the importance of the PRS in helping to deliver a net zero future and the need for central government to improve national energy efficiency standards.

Financial Impact

The Council (in common with all public sector services) continues to face significant medium term financial challenges with increasing demographic, legislative and financial pressures. There are no direct financial implications arising from this report or the policy. Existing resources in this area will be directed towards delivery of the

commitments in the policy and any additional expenditure will need to be agreed through the Council's normal budget setting process.

Verified by James Newman (Assistant Director of Finance) – 8 November 2024)

Legal Implications

The Council's principal powers and responsibilities relating to the private rented housing sector and renters are contained in the Housing Act 2004. This Act includes an obligation on the Council to keep housing conditions under review and to take appropriate enforcement action (including both civil and criminal penalties) to maintain standards in both self-contained and shared accommodation. In addition, the Renters Rights Bill will increase the Council's powers relating to the private rented sector.

Further legal advice will be given on a case-by-case basis whenever necessary to protect the interests of the Council and residents.

Verified by Glen Egan (Assistant Director Legal) - 2 December 2024

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

The rise of the PRS

1. This report presents a new PRS Policy for H&F. The policy will be considered by Cabinet in February 2025.
2. The PRS fulfils an important role in H&F providing many residents and families with housing arrangements that they want and need. The sector has grown significantly in the last two decades and is now the largest tenure and accounts for approximately 30,000 properties (almost 32%). As a result, H&F has one of the highest densities of private rented properties nationally.
3. Since the 1980s, the UK has experienced a shift in housing tenure. This has been driven by historical national policy failures from the introduction of Assured Shorthold Tenancies in 1988 and the end of Protected Tenancies; the introduction of Right to Buy in 1980 and associated under-investment by central government in new affordable housing; growth in buy-to-let mortgages during a period of low interest rates; and the significant growth in house prices which has made purchasing unaffordable for many people in London. This paved the way for a reducing social housing and owner occupy housing sector.
4. This Council is committed to increasing the number of genuinely affordable and accessible homes in the borough, with the target for 3,000 new affordable homes to be built or underway by 2026.

Standards in the PRS

5. English Housing Survey data shows that PRS homes are more likely to fall below national housing standards, when compared to socially rented and privately owned homes¹. In 2022/23, the English Housing Survey estimated that 21% of PRS homes fall short of the Decent Homes Standard (DHS), the minimum legal threshold that must be met by socially rented properties. This means there are likely to be a significant minority of PRS homes in the borough that are unsafe, cold, in a poor state of repair or with outdated kitchen or bathroom amenities. Local residents have identified this as a key concern. Of the private renters we consulted as part of developing this policy, 37% said they were unhappy with the quality of their housing.
6. Today, the PRS is the least secure of all tenures, with a complex tenancy system. Renters withhold concerns about poor and unsafe conditions because of a fear they will be evicted through no-fault Section 21 evictions, with just two months' notice.² Nationally, cases of families being evicted by bailiffs in 2023, because of no-fault evictions, rose by 40% compared to the previous year.³ For this reason, more and more people are presenting as homeless and requiring temporary accommodation in the borough.
7. We are aware that the high cost of renting is the biggest concern for some PRS residents living in the borough. Recent economic instability and inflation have fuelled record rent rises across London. Rental growth on newly let properties during 2023 peaked at 17% in inner London,⁴ with the median monthly rent for a two-bedroom flat in H&F being £2,319 – the 4th highest in London.⁵
8. The PRS is broadly composed of three types of renter; those renters who pay for their accommodation themselves; renters on low incomes who experience little choice and have to rely on benefits to pay their rent; and non-mainstream renters in the shadow economy. This policy is for all private renters in the borough, but with a particular focus on the latter two groups, given they can be vulnerable to some landlords, agents and intermediaries who seek to exploit and discriminate against them.

The role of the Council

9. For several years, H&F has been delivering a comprehensive set of measures designed to improve the experience of private renting in our borough, by driving up standards through effective regulation and enforcement. At the heart of this long-standing approach has been our selective PRS Licensing schemes which cover 20% of our borough and require landlords to register their properties and offer a decent standard of housing.
10. The Council's Private Sector Housing team takes a multi-disciplinary approach to improving the PRS, working across Trading Standards, Environmental

¹ English Housing Survey 2022 to 2023: housing quality and condition. Available [here](#).

² DLUHC. (February 2023). Reforming the Private Rented Sector. Available [here](#).

³ Guardian. (February 2024). Renters in England face rising no-fault evictions as reform bill delayed again. Available [here](#).

⁴ Hamptons (2024). Rental index data. Available [here](#).

⁵ H&F BI data, August 2024.

Health, and Housing and Homelessness services to deliver a range of statutory duties and discretionary work. Measures taken by the Council to improve private renting in the borough have included:

- Launching and incentivising sign up to H&F's Landlord's Charter
- Promotion of the London Landlords Accreditation Scheme and membership of recognised landlords' associations
- Enforcement action taken against hazardous housing conditions and failure to comply with legal obligations, including securing the largest fine we have ever issued to a private landlord
- Securing affordable home ownership and rental products to meet the needs of Home Buy clients
- Dealing with landlords that are not complying with their obligations, including multiple prosecutions for breaching existing housing regulations
- Assisting renters to obtain Rent Repayment Orders.

11. H&F has exemplary landlords (including local residents) and letting agencies that provide an important, professional, and dependable service. They are hugely valued, and the Council wants to retain and work in partnership with all landlords to achieve our ambition for H&F to be the best place to live in London where residents can thrive and fulfil their ambitions. However, H&F seeks to put on notice any rogue and unscrupulous landlords, agents, and intermediaries operating within the sector. Through this policy, we will seek to clamp down on those practices which prey upon and exploit our private renters. The Council is pleased that the sector recognises the need for improvements to ensure that private rented housing for residents is affordable, fair and secure as this will promote long term sustainability for both tenants and landlords.

National reforms

12. To support our ambitions, what renters need today is a significant change in national policy to improve their rights, security, and raise standards. The new government is taking significant steps to bring about the necessary change through the Renters' Rights Bill.
13. The Council will work with the new government to introduce the reforms that residents and landlords need. This will provide clarity and security to tenancies, introduce an independent arbitration service to put the sector on an equal footing to social housing, aid regulation and compliance through a national PRS register and improve standards through the introduction of a DHS for the sector.

The Private Rented Sector Policy (Appendix 1)

14. The policy has been developed because the PRS today is the most unaffordable and insecure of all housing tenures in the borough, with lower housing standards and limited recourse to challenge injustices and redress with landlords. Affordable, accessible, secure, and high-quality private rented housing is essential to ensure that the borough remains a place where people want to live, work, and thrive.

15. The policy supports delivery of the Council's ambition within the [H&F Plan 2023-2026](#) to, "continue to work with residents to provide more affordable, accessible, safe, and sustainable housing... ensuring we have the right mix of affordable housing options that are accessible and of a high standard." The policy sits alongside the Council's wider strategic housing policy, including our Housing Strategy and Older and Disabled Peoples Housing Strategies⁶, which provides the overarching framework for delivering our housing services and improving the local housing market.
16. The policy brings a refreshed and renewed focus to make private rented housing standards among the best in London. The policy has four strategic priorities which provide a clear course of action. They are:
- **Priority 1: Working together with residents and private landlords** to listen to their views, raise awareness of rights and obligations and meet local housing needs.
 - **Priority 2: Improving private rented quality, maintenance, and standards** so the borough has the right homes for our residents through local licensing and a national PRS register, leading in safety and a long-overdue DHS.
 - **Priority 3: Delivering comprehensive enforcement action** that targets the poorly performing parts of the sector to safeguard the exploitation of residents.
 - **Priority 4: Building a more inclusive and accessible PRS** that tackles discriminatory rental practices and delivers a more accessible and inclusive sector.
17. The policy sets out a series of commitments under each of the four themes focusing on a range of approaches, including, but not limited to:
- Improved engagement between the council, landlords and private renters, led by the establishment of a new landlords forum
 - Continued commitment to our selective license scheme
 - Robust enforcement action through our licensing schemes, and exploring the case for expanding the schemes
 - Ahead of national reforms, continued promotion of London's Landlord Accreditation, National Residential Landlord Association membership, the Property Ombudsman scheme, and our own Landlord Charter.
 - Ensuring developers commit to building better energy efficient homes
 - Robust enforcement against unscrupulous landlords
 - Bringing empty properties back into use
 - Supporting Disabled residents with grants to adapt their homes
 - Tackling rental discrimination and supporting those most at risk of homelessness.

⁶ H&F Housing Strategy.. Available [here](#).

18. The policy has been developed by a cross-council working group of officers, drawing on a best practice review commissioned from the New Economics Foundation. A delivery plan will monitor progress against the commitments in this policy, led by a senior officer, who will carry out a review after one year of the policy being adopted, to ensure our actions are having the desired impact.

Options

19. The policy sets out clearly, the Council's aspirations and ambitions that will help to enhance the reputation of the sector in LBHF.

Equality Implications

20. An Equality Impact Assessment (EIA) of the policy has been completed and is attached at Appendix 2. This explains that the policy seeks to tackle and prohibit rental discrimination within the PRS that threatens the ability of some residents to secure accessible, secure, and safe housing. Drawing on our pioneering co-production initiatives, the policy sets out that we will work to drive out systemic discrimination and unfairness within the PRS and help people with additional support needs to ensure that the local PRS works for them. Overall, the EIA concludes that the PRS Policy is expected to have a positive impact on protected groups, with no negative impact expected based on our analysis.

Risk Management Implications

21. There is a management risk that this policy is not adhered to, is not updated and that supporting processes are not maintained. It is therefore recommended that the policy is reviewed at a frequency of not less than biannually and that as applicable changes are made, approved, and communicated.

Jules Binney, Risk and Assurance Manager, 6th December 2024

Climate and Ecological Emergency Implications

22. In 2021, Fuel Poverty statistics showed that 11.3% of households in H&F were fuel poor, having both a low income and low Energy Performance Certificate (EPC) rating, with higher concentrations in the north of the borough. Poor energy efficiency penalises fuel poor private renters, with EPC E rated properties consuming 48% more gas than those properties with an EPC C rating.⁷
23. The policy speaks directly to the importance of the PRS in helping to deliver a net zero future. The new government has indicated that it will push for raising the Minimum Energy Efficiency Standard (MEES) up to EPC C rating as the minimum requirement for properties to be let in the long-term. The policy supports this move, whilst recognising that further work is needed to look at financial and tax instruments to assist landlords in meeting the costs of upgrading their properties. In the meantime, the policy supports the introduction

⁷ Resolution Foundation (2022). *Shrinking footprints: The impacts of the net zero transition on households and consumption*. Available [here](#)

of a DHS for the PRS, and for that to include standards on energy efficiency to raise standards in the sector.

Matthew Sales, Assistant Director, 18 October 2024.

Consultation

24. H&F is a council that believes in doing things with residents, not to them. In developing this policy, we have consulted widely with PRS renters, local residents, landlords, letting agents and other stakeholders. In total, 234 people responded to our consultation survey, and 36 people participated in interviews and focus groups. In July 2024, we also consulted the Housing and Homelessness Policy Accountability Committee (PAC). We value the views and experiences gained from these engagements which have enhanced the policy.

LIST OF APPENDICES

Appendix 1 – H&F Private Rented Sector Policy

Appendix 2 – EIA Assessment

Improving the Private Rented Sector

A private rented sector policy for Hammersmith and Fulham

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FOREWORD

A safe, secure and affordable home is a fundamental aspiration for everyone. Whether a home is owned, rented privately or from the Council or Registered Housing Provider (or Housing Associations) we know a good, decent and safe home contributes positively to health, wellbeing, stability and society. Having somewhere to call home is a crucial foundation for everyone; providing warmth, comfort, a space to be ourselves, and a place to enjoy with our families and friends.

And yet, Britain's housing rented sector requires major reforms. The historic failures of the former government policies have led to declining rates of home ownership, increasing tenure insecurity and a significant increase in people unable to access rented homes or to own their own homes. The PRS today is the most unaffordable and insecure of all housing tenures, with lower housing standards and limited recourse to challenge injustices and redress with landlords.

What renters need today is a significant change in national policies to improve their rights, security, and raise standards. The new government is taking significant steps to bring this about through the Renters Rights Bill. We will work with the new government to introduce these much-needed reforms especially:

- increased security in tenancy agreements and an independent arbitration service
- greater regulation and compliance to standards through a national register
- fair rent levels
- introduction of a Decent Homes Standard (DHS) for the sector.

We want H&F to be the best place to live in London where residents can thrive and fulfil their ambitions. Affordable, accessible, secure and high-quality private rented housing is what residents have told us they want and need. We want to work with all landlords to achieve this. The Council is pleased that the sector recognises the need for improvements to ensure that private rented housing for residents is affordable, fair and secure as this will promote long-term sustainability for both private renters and landlords.

This policy builds on strong local collaboration and wide-ranging engagement with private renters, landlords, and other stakeholders. It describes how we will collaborate with the new government on our shared ambitions to improve oversight of the sector and bring about a more just and balanced housing market for all.

Cllr Frances Umeh
Cabinet Member for Housing and Homelessness

EXECUTIVE SUMMARY

The Private Rented Sector (PRS) in H&F has grown significantly in the last two decades and now accounts for approximately 30,000 properties. This has been driven by historical national policy failures that paved the way for a reducing social housing and owner occupy housing sector.

We have excellent landlords in the borough that provide a good service that an increasing number and diversity of residents rely on. However, national and local evidence shows parts of the sector are exploited by the rogue and unscrupulous behaviour of some landlords, agents and intermediaries. Furthermore, a significant minority of PRS homes in the borough are poorly maintained and are unaffordable for local residents, with families living in fear that they could lose their home with little notice or justification.

A safe, secure, and affordable home is essential for everyone, and we want to make housing standards among the best in London. For many years, H&F has been delivering a comprehensive set of measures designed to improve the experience of private renting in our borough, by driving up standards through effective regulation and enforcement – led by our Private Sector Housing team. Our licensing schemes are at the heart of this long-standing approach and target support to areas that need it most.

This policy brings a renewed focus to what is needed to raise standards in the PRS. We have engaged and consulted extensively with local residents and landlords to develop our four priorities for the sector, with key commitments under each:

- Priority 1: Working together with residents and private landlords
- Priority 2: Improving private rented quality, maintenance, and standards
- Priority 3: Delivering comprehensive enforcement action
- Priority 4: Building a more inclusive and accessible private rented sector.

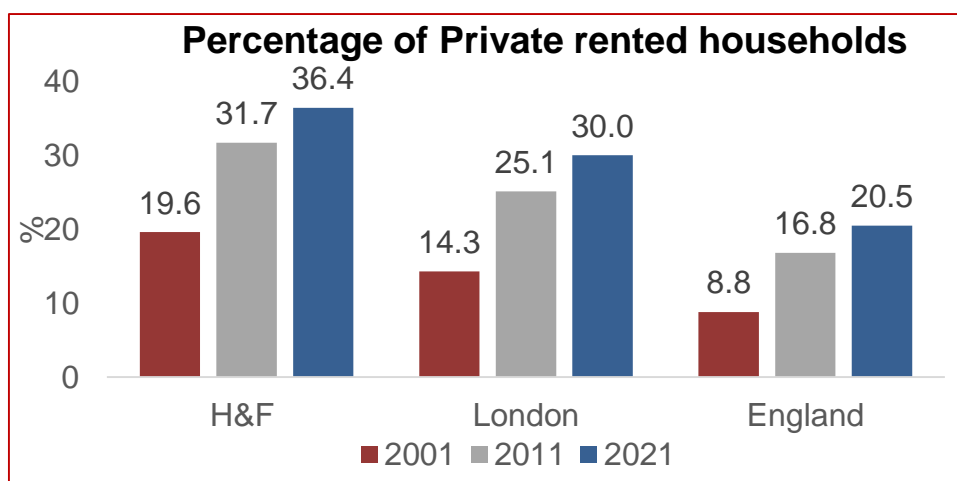
We will work to deliver against these priorities, but what we need most urgently is significant national reforms to improve renters' rights, security, and housing standards. The new government's Renters Rights Bill is exactly what the sector needs now, and the Council will work with the government to implement these reforms. We need tenancy reform that provides real security for private renters; a new independent arbitration service; a new national PRS register of all landlords and their properties; fair rents; and a new decent homes standard for the PRS.

WHAT THE PRIVATE RENTED SECTOR NEEDS TODAY

The growth of the PRS in H&F

The PRS in H&F has grown significantly in the last two decades and is now the largest tenure, accounting for approximately 30,000 properties. As a result, H&F has one of the highest densities of private rented properties nationally.

Over this time, the PRS has become more diverse with a wider range of residents relying on it for their housing needs. This includes; more mobile residents including those renting seeking to own their own home; those unable to access social housing and relying on benefits to pay their rent; and those that can be vulnerable to unscrupulous / rogue landlords, agents and intermediaries in the shadow economy. This policy is for all private renters in the borough, with a particular focus on the latter two groups, given they can be economically vulnerable to some landlords, agents and intermediaries who seek to discriminate against them.

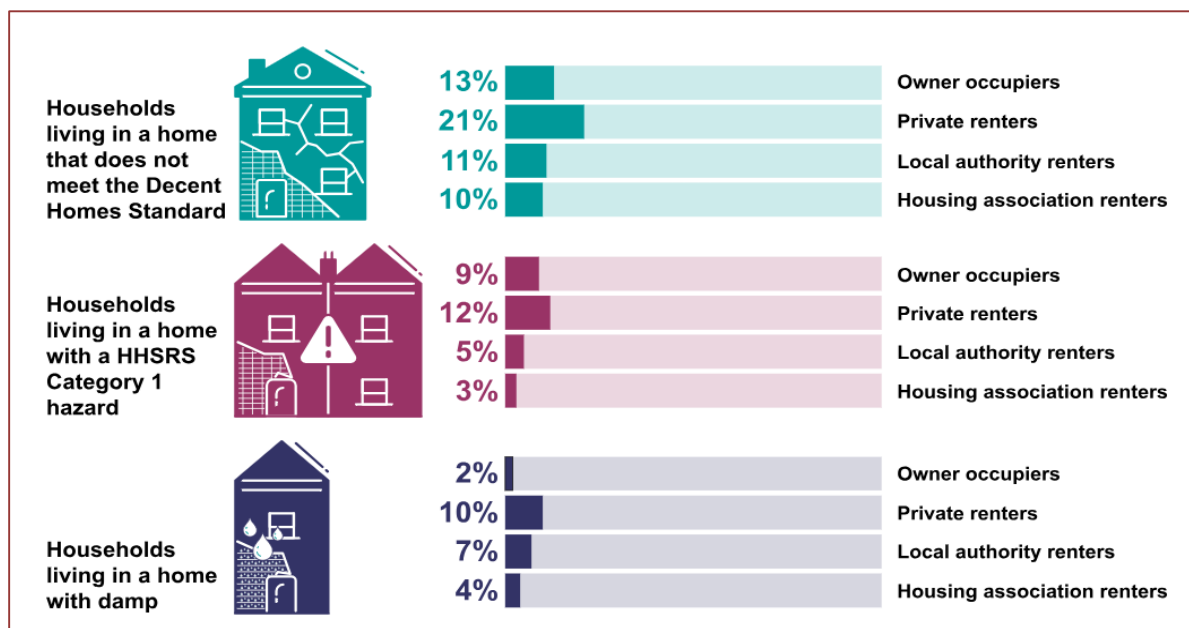


The growth in the PRS has been driven by national policies such as the introduction of Assured Shorthold Tenancies, the Right to Buy scheme, historic low levels of social housing construction and the significant uptake in low-interest buy-to-let mortgages. Increasing the supply of genuinely affordable and accessible homes was strongly supported in the consultation on this policy. This Council is committed to increasing the number of genuinely affordable and accessible homes in the borough, with the target for 3,000 new affordable homes to be built or underway by 2026.

English Housing Survey data shows that PRS homes are more likely to fall short in housing standards, when compared to socially rented and privately owned homes¹. In 2022-23, the English Housing Survey estimated that 21% of PRS homes were non-decent, meaning they were unsafe, cold, in a poor state of repair or without modern facilities.²

¹ English Housing Survey 2022 to 2023: housing quality and condition. Available [here](https://www.gov.uk/government/statistics/english-housing-survey-2022-to-2023-housing-quality-and-condition/english-housing-survey-2022-to-2023-housing-quality-and-condition).

² English Housing Survey 2022 to 2023: housing quality and condition. Available [here](https://www.gov.uk/government/statistics/english-housing-survey-2022-to-2023-housing-quality-and-condition/english-housing-survey-2022-to-2023-housing-quality-and-condition).



This national survey suggests thousands of homes in the borough may suffer with safety hazards, poor heating or insulation, or outdated kitchen or bathroom amenities. In a 2021 survey of 99 private renters, we found that 68% were satisfied with the service provided by their landlord.³ This had decreased to 49% in the 2024 consultation on this policy.⁴ Of the private renters in our 2024 survey, 37% said they were unhappy with the quality of their housing.

This has arisen because the sector lacks sufficient regulation to enforce and drive standards, so that good landlords can demonstrate their compliance. Today, the PRS is the least secure of all tenures, with a complex tenancy system. Renters withhold concerns about poor and unsafe conditions because of a fear they will be evicted through no-fault Section 21 evictions, with just two months' notice.⁵ Nationally, cases of families being evicted by bailiffs in 2023, because of no-fault evictions, rose by 40% compared to the previous year.⁶ For this reason, more and more people are presenting as homeless and requiring temporary accommodation in the borough.

Many exemplary landlords and estate agencies operate within the borough. They provide an important service to private renters, and some are also residents of the borough. They are hugely valued, and we want to retain them. But some unscrupulous landlords and agencies have been known to operate in the borough. Through this policy and resultant enforcement actions, we seek to put those parties on notice and clamp down on such practices.

We also know that the high cost of renting is the biggest concern for some PRS residents living in the borough. Recent economic instability and inflation have fuelled record rent

³ Appendix 5, Survey of tenants in H&F PRS. Available [here](https://democracy.lbhf.gov.uk/documents/s117609/PAC%20Report%2019%2020%20July%202021%20Private%20Sector%20Housin%20g.pdf).

⁴ Note: Survey answers in 2021 did not include a "neither satisfied, nor dissatisfied" option.

⁵ DLUHC. (February 2023). Reforming the Private Rented Sector. Available [here](https://committees.parliament.uk/publications/33924/documents/185831/default/).

⁶ Guardian. (February 2024). Renters in England face rising no-fault evictions as reform bill delayed again. Available [here](https://www.theguardian.com/society/2024/feb/08/renters-in-england-face-rising-no-fault-evictions-as-reform-bill-delayed-again).

rises across London. Rental growth on newly let properties during 2023 peaked at 17% in inner London,⁷ with the median monthly rent for a two-bedroom flat in H&F being £2,319 – the 4th highest in London.⁸

We also know that many renters face discrimination from the sector in multiple ways. The PRS is demonstrably more difficult to access for; Black and minority ethnic groups; foreign nationals; Disabled people; people who have children; single parents; and people in receipt of benefits. This policy will seek to challenge discrimination and discriminatory practices, and will seek to better inform and empower renters in the borough.

This policy has been developed because the PRS today is the most unaffordable and insecure of all housing tenures in the borough, with lower housing standards and limited recourse to challenge injustices and redress with landlords. The growth and diversity of the PRS warrants taking a fresh look at what's needed in H&F to work better with residents and good landlords, raise standards, ensure obligations are understood and enforced, and deliver a fairer, more inclusive and accessible PRS. This policy sets out our plan to transform the experience of private renting in the borough and to make housing standards among the best in London. To support this, what renters need today is a significant change in national policy to improve their rights, security, and raise standards, which is set out below.

Tenancy reform and Section 21

Section 21 of the Housing Act must go. There is a clear consensus that the abolition of Section 21 would be a transformational reform that would give private renters greater security and confidence to exercise their rights. It is extremely encouraging to see that the new government's Renters Rights Bill seeks to abolish this and implement a single and simpler tenancy system for the PRS.

We support scrapping Assured Shorthold Tenancies (ASTs) and replacing them with open-ended periodic tenancies. This will provide renters with greater confidence, security of tenure and the basis for them to challenge bad practice without fear of retaliation. Periodic tenancies will afford flexibility to renters so that they are not trapped into agreements for significant periods, when a property is of an inadequate standard.

The new tenancies should only be ended on defined grounds, most of them involving default by the renter. It is right that responsible landlords have clear and robust grounds for possession and we support the new government's intention to expand and strengthen them, whilst ensuring unscrupulous landlords cannot misuse grounds. Students will also benefit from open-ended tenancies, but with appropriate possession grounds for landlords to exercise if the property is required for a new group of students in line with the academic year.

We also recommend that landlords who evict private renters with a stated intention to sell their PRS property, must be held to honour that intention so that this route is not abused

⁷ Hamptons (2024). Rental index data. Available [here](https://www.hamptons.co.uk/research/rental-index-data/).
<https://www.hamptons.co.uk/research/rental-index-data/>

⁸ H&F BI data, August 2024.

to evict a standing private renter. Research by Generation Rent sheds light on a practice in which an apparent intention to sell can be used as a proxy to evict.⁹ A 12-month embargo should be placed on re-letting such properties, to deter this practice.

Private Rented Sector Landlord Ombudsman

To improve the rights of private renters and raise standards, we need an independent arbitration service for the PRS. We welcome the Renters' Rights Bill intention to introduce a PRS Landlord Ombudsman, which all private landlords in the borough will be required to join, including those who use a managing agent. Nationally the vast majority (94%) of landlords are individuals, with the majority (71%) having no current or previous membership of any professional organisation. The Affordable Housing Commission went so far as to conclude that the PRS, "was in large part made up of "amateur landlords".

The new ombudsman will put the PRS on an equal footing to the social rented sector, providing a formal route for private renters to complain about a landlords' actions or behaviours. Landlords will be required to register and comply with ombudsman decisions, and we will be able to enforce if they don't. The ombudsman will help landlords to improve their complaint handling practices and learn if fault is found. We also support landlords having access to alternative dispute resolution means, to resolve issues with their private renters.

Private Rented Sector landlord register

In the UK, there is no single coherent framework for understanding what the PRS is, who lives there, and who owns these properties. Leading academics and experts agree that the sector needs a comprehensive PRS annually updated landlords register. We recommend that landlords should be legally obligated to provide details about themselves, their properties, rent levels, and adherence to a new DHS as part of the register. This should also extend to PRS managing agents who must register, pay registration fees, and comply with appropriate training and accreditation standards.

A PRS register, facilitated through a digital property portal is long overdue, as England lags behind its neighbours in implementing this vital piece of regulation. It is excellent to see that the Renters Rights Bill¹⁰ speaks of such a register. The register will be 'win' 'win' for all stakeholders and will be an important step in reforming the sector and bringing greater transparency and accountability. For landlords, we learnt through the consultation undertaken on this policy that good local landlords welcome more guidance and support. The register will provide a central portal for landlords to demonstrate their compliance and access guidance relevant to their obligations. And for private renters, the register will provide them with the information they need to take informed decisions and understand their rights. We welcome the new government's commitment that a landlord will not be able to market a dwelling, or exercise most possession grounds, unless there is an active landlord entry in the register.

⁹ Generation Rent. (May 2022). Evictions in Scotland - what do we know? Available [here](https://www.generationrent.org/2022/05/25/evictions-in-scotland/).

¹⁰ Renters Rights Bill, (2024). Available [here](https://publications.parliament.uk/pa/bills/cbill/59-01/0008/240008.pdf).

For H&F, the register will provide us with a trusted and up-to-date source of data on PRS properties in the borough not within one of our licensing schemes. It will enable a more systematic, efficient and targeted approach to non-compliance and enforcement, including against non-registration with the register, and to pursue civil penalties under the Housing and Planning Act 2016. The register will also help us understand the scale of overseas property investment in our borough, as we are seeing many properties remaining empty that could otherwise be homes for residents.

Prohibiting rental discrimination

The new government's Renters Rights Bill sets a positive ambition to tackle discrimination that we know exists in the sector. The Bill identifies, in particular, support for those households who are in receipt of housing benefits, as well as those households with children, who can fall victim to discrimination.¹¹ It is unacceptable for a landlord or agent to refuse a tenancy based on a household being in receipt of benefits or having children, or based on their ethnicity, gender, sexual orientation, Disability, or any other protected characteristic. We welcome the detail set out in the Bill to tackle the various forms of discriminatory practices that exist in the PRS.

Fair rents and rent stabilisation

The high cost of renting is the biggest concern for our residents, as shown through our consultation. Recent economic instability and inflation have fuelled record rent rises across London. Rents in the borough are amongst the very highest in the country. This is unsustainable, and these unprecedented rises mean the case for rent stabilisation is clear.

Internationally, much research and debate has taken place on the efficacy of interventions to manage rents, and there is a growing consensus that rent stabilisation measures within tenancies may be needed to protect private renters from unreasonable rises in heated markets. The Renters' Rights Bill proposes that, in future, landlords will be able to increase rents once per year to the market rate (the rate that would be achieved if the property was newly advertised) with two months' notice to the private renter. Private renters will be able to challenge increases beyond market rates at the First-tier Tribunal.

We believe what is needed locally for the PRS is fair rents. We welcome the simplification to a single process by which landlords can raise rents. Importantly for residents, under the Bill landlords and agents will be required to publish an asking rent for their property and it will be illegal to accept offers made above this rate. But we believe the government can go further on this issue. Where price pressures exist such as in H&F, stabilisation should be index linked to the lower of local wage growth or the Consumer Price Index (CPI), and rises should be annual, with at least four months' notice for the tenant.

¹¹ Renters Rights Bill, (2024). Available [here](https://publications.parliament.uk/pa/bills/cbill/59-01/0008/240008.pdf).
<https://publications.parliament.uk/pa/bills/cbill/59-01/0008/240008.pdf>

We are of the view that landlords should be legally required to submit details of the rents they charge, specifically as part of an annual submission to the National Landlord's Register. This will provide transparency for renters, landlords and government agencies to ensure that rent increases are kept in line with local wage growth or CPI. These steps are essential in regaining control of a rental market that has become prohibitively expensive for many residents, and those who would aspire to be renters in our borough.

The Tribunal will be a vital mechanism to stop unscrupulous landlords using rent increases as a backdoor to eviction. For a number of the national reforms, it will be essential that there is sufficient capacity in the court system to provide confidence to both landlords and private renters.

Decent Homes Standard

A Decent Homes Standard (DHS) can no longer be overlooked for the PRS. This is essential for creating a healthier, happier, and more stable living environment for private renters. By ensuring that all rental properties meet certain standards, we can begin to eliminate substandard housing, reduce health risks, and enhance the overall quality of life for renters. Renters have a right to expect their homes to be warm, free from drafts, damp, and mould, and to be well maintained by landlords who are responsive to these issues.

We support the new government's plans to set a new DHS for the sector through the Renters' Rights Bill and to apply 'Awaab's Law' to the sector, setting clear legal expectations about the timeframes within which landlords must take action to make homes safe where they contain serious hazards and be liable to legal action and offer compensation to private renters if they fail to meet their duties.

The DHS should also include obligations on letting agents to advertise DHS properties only; that landlords and letting agents must undertake appropriate training; and that there must be obligations to provide safe domestic utilities and safety certification, and adequate internet capabilities. The new government has indicated that it will push for Energy Performance Certificate (EPC) C-rating as the minimum requirement for properties to be let in the long-term. We support this move, whilst recognising that further work is needed to look at financial and tax instruments to assist landlords in meeting the costs of upgrading their properties.

The DHS must also factor in an accessibility standard, with renters having a right to accessibility adaptations. There are nearly 10 million Disabled people living in England, nearly 20% of whom are living in the PRS. Our population is also getting older, and domestic adaptations need to be more commonplace to support independent living.

The definition of a DHS must evolve and improve to help meet our environmental ambitions, harness the benefits of emerging technologies, and provide more accessible homes for our communities. Standards should therefore be reviewed at reasonable intervals.

Renter's Charter and Landlord's Code of Conduct

A new Renter's Charter should be developed, together with input from renters from all backgrounds, to provide an accessible guide that helps renters understand their rights and obligations. It should explain how issues such as rent increases and stabilisation measures, the DHS and eviction processes work. Good legislation and regulations are not enough if people are unaware of how to exercise their rights. Many residents in our consultation were unsure of where to find more information, or who to turn to in times of hardship, and this would be a valuable tool to tackle the lack of information.

The charter should also explain private renters' rights in relation to having a pet. The Renters Rights Bill seeks to support responsible pet ownership so that landlords cannot unreasonably withhold consent for renters wishing to have a pet at home. We support the new government in these progressive steps, recognising that suitable insurance cover will ensure a satisfactory arrangement in the vast majority of tenancy arrangements.

In addition to the Renters Charter, we also need a Code of Conduct for landlords, as no such mandated code currently exists. H&F introduced a [Landlord's Charter](#) in 2017, encouraging landlords to commit to best practice in managing housing standards, living rent, and security of tenancies. The purpose of a national code should be to provide an accessible guide that helps landlords to understand their rights and legal responsibilities in relation to areas such as the PRS register, possession grounds, rent increases, rules regarding pets and mechanisms for private renter redress with the landlord, specifying completion timeframes for works or repairs, and standards of customer satisfaction.

OUR PRIVATE SECTOR HOUSING TEAM

For many years, we have been delivering a comprehensive set of measures designed to improve the experience of private renting in our borough, by driving up standards through effective regulation and enforcement. At the heart of this long-standing approach has been our PRS Licensing schemes, which have required some landlords to register their properties and offer a decent standard of housing. As part of the [H&F Plan 2023-2026](#), we have re-affirmed our commitment to continue to deliver targeted regulatory action, support the supply of new affordable housing, and work with residents, landlords and partners to raise housing standards.

The Council's Private Sector Housing Team takes a multi-disciplinary approach to improving the PRS, working across Trading Standards, Environmental Health, and Housing and Homelessness services to deliver a range of statutory duties and discretionary work to improve our local PRS. Their work includes inspecting private homes using the Housing Health & Safety Rating System and managing our property licensing schemes, to help reduce anti-social behaviours and encourage landlords to raise standards. The team also inspect high risk buildings (over 18 metres in height) and have other responsibilities such as dealing with minimum energy efficiency standards, empty properties, and other public health related nuisances.

Measures driven forward by our Private Sector Housing Team in recent years have included:

- Clamping down on the small number of landlords that deliver poor standards, and imposing financial penalties and prosecutions against those guilty of offences.
- Launching and incentivising sign up to H&F's Landlord's Charter.
- Promotion of the London Landlords Accreditation Scheme and membership of recognised landlord associations.
- Enforcement action taken against hazardous housing conditions and failure to comply with legal obligations, including the largest fine we have ever secured against a private landlord.
- Securing affordable home ownership and rental products to meet the needs of Home Buy clients.
- Assisting private renters to obtain Rent Repayment Orders.

Activity of this nature would be supported further, and improved, with the introduction of the PRS register. We welcome the new government's New Burdens Doctrine and commitment to fully fund the net additional costs that fall on local councils as a result of national reforms to the PRS. We look forward to learning more on this as we work closely with the new government on the reforms that the sector needs.

Our PRS Housing Team will play a pivotal role in the long-term delivery of ambitions throughout this policy, to better support local renters and good landlords.

OUR STRATEGIC PRIORITIES

In developing this policy, we developed an evidence base on the PRS in the borough (see Appendix 1) and undertook a comprehensive public consultation to understand the views of local renters, landlords and letting agents. The messages were clear; high rents, low housing supply, and poor housing standards are some of the biggest challenges for private renters and the sector.

To ensure the local PRS can deliver for our residents in the long-term, we have adopted four strategic priorities based around these challenges. They are:

- Priority 1: Working together with residents and private landlords.
- Priority 2: Improving private rented quality, maintenance, and standards.
- Priority 3: Delivering comprehensive enforcement action.
- Priority 4: Building a more inclusive and accessible private rented sector.

Our unique approach responds to what residents have told us they need, but also to leading thinking and business intelligence insights, which provide the evidence we need to bring about change. These priorities must be underpinned by the national reforms set out earlier.

The commitments in this policy reflect the need to continue with existing support and enforcement action, but also expand and explore new ways to improve what we do, learning from other areas and pioneering our own ideas.

PRIORITY 1: WORKING TOGETHER WITH RESIDENTS AND PRIVATE LANDLORDS

We won't achieve an improved PRS without understanding the views of private renters and landlords. Our priority is to continue to listen to and work with local people to help improve the local private rented experience. In developing this policy, we consulted with local renters, residents, landlords and letting agents through focus groups, interviews and an in-depth online survey, across 270 participants. Our consultation was key to learning more about the needs of local people, in the spirit of doing things with residents, not to them. Private renters have told us they are worried about the high cost of renting, and many feel their properties are not up to standard, with limited routes to recourse.

Our Commitments

Renter's voice and engagement: We will actively listen to residents to better understand what more we can do to improve our approach. We will also use our Residents Voice work to test and challenge how we do things, ensuring we hold ourselves accountable for delivering commitments. We will put private renter engagement at the heart of our strategic approach, working closer with representative groups and agencies in delivering this policy.

Better public awareness: We understand that the regulatory framework around private housing is complex and not every renter knows their rights. We will work with the new government and new PRS Landlord Ombudsman on our shared ambitions to improve the

sector. We need their help in introducing a national Renter's Charter and Landlord's Code of Conduct to standardise practice and improve understanding of rights and responsibilities.

Locally, we will be proactive and improve our own web-based resources and our relationships with estate agents and landlords, to ensure landlords and private renters are provided with full information about what they should expect, and what the Council can do to help. This will include providing information about changes in national legislation, the right to request an EPC, Disabled Facilities grants, and routes for redress. Advice will be available in more than 100 languages, and we will aim to have excellent customer service and build a culture of awareness about the barriers to housing that residents from protected groups, or those with additional needs, can face.

Landlord's forum: We will establish a new H&F Landlord's forum to work with the many good landlords in the borough, and promote high standards across the sector, ensuring that landlords are aware of their responsibilities. We will also listen to the barriers they face in providing high quality accommodation, and tackle practical barriers between H&F and landlords in discharging their duties. We will also promote and raise awareness of national reforms, such as sign up to the National Landlord Register.

We will host an annual Landlord Conference to bring together sector experts and local landlords, to share ideas, and take forward improvements in landlord practices locally, whilst offering support to landlords encountering difficult situations such as intentional non-payment of rent, as was an issue raised through our consultation.

Tenancy sustainment: We will work through H&F Link to sustain tenancies in the PRS to prevent homelessness. This includes brokering private rented accommodation for households faced with homelessness, as an alternative to temporary accommodation. Our Dedicated Tenancy Sustainment resource offers up to 12 weeks resettlement support for any resident placed in the PRS. This includes ensuring that universal credit payments are made swiftly, and providing Discretionary Housing Payments (DHP) in certain circumstances to cover shortfalls in rent.

We will continue to provide residents with additional support needs with transport for viewings and in some cases host accompanied viewings with social care officers. The service also acts as intermediary between private renters struggling with their rent arrears and their landlords to mitigate their situation – accessing DHPs or other funds to preserve or extend tenancies.

Ethical debt collection: H&F has led the way in local government since 2017 with an ethical debt collection policy. We remain committed to an ethical approach, where we maximise income collection using ethical, fair, supportive, consistent, and proportionate means; thereby helping residents to enable them to pay their Council Tax. We also offer a range of emergency support options for residents most in need.

Delivering our statutory duties: We are making use of powers under the Homelessness Reduction Act 2017, discharging our prevention and relief duty by helping applicants access housing in the private sector within 56 days of them coming to us with

a housing issue. In 2023/24, we helped to house 221 homeless households into safe and decent PRS properties. The service also provides a fast landlord vetting and matching service. However, the high cost of renting in H&F means we face more challenges in supporting residents to stay living locally, in part due to the previous government freezing the Local Housing Allowance from 2020 to 2024. Improved security of tenure and rent stabilisation measures will help to recalibrate these issues but we will continue to work with more local landlords to help more residents to stay in the borough.

Rough sleeping and homelessness: Homelessness is an ever-growing national crisis, requiring increasing levels of emergency support. We are at crisis point, with record levels of households presenting as homeless, requiring significant levels of investment in temporary accommodation. We will deliver on the commitments of our Rough Sleeping and Homelessness Strategy, ensuring there is complete support to private renters at risk of sleeping rough, and working with private landlords and Registered Providers to increase access to housing for rough sleepers.

PRIORITY 2: IMPROVING PRIVATE RENTED QUALITY, MAINTENANCE, AND STANDARDS

We want the right homes for our residents; homes that are safe, affordable, and of a high standard, and meet our net-zero ambitions. A DHS for the sector is long overdue, and we have made the case for why and how that needs to be introduced. Responses in our consultation told us that the quality of properties in the PRS is a key concern. Nearly 40% of people in our survey had quality issues, including; damp and mould, poor heating, cosmetic repairs, broken fixtures such as windows and doors, and slow resolution of these issues. Some renters spoke of the need for support, and for recourse to raise concerns about these issues, without fear of reprisal.

Our Commitments

Private sector licensing: We will continue delivering our ambitious selective and additional PRS licensing schemes. This covers 24 streets until 2027 – meaning that rented properties and the landlords who rent them are under enhanced scrutiny to ensure good housing standards.

In 2023/24, 7,863 PRS properties were covered by either selective or additional licensing schemes. This allows substantially greater powers of inspection and enforcement to ensure our residents live in safe and healthy homes. We will build our evidence and intelligence to inform whether the scheme's expansion can deliver further benefits, beyond improvements from a new national PRS register. This will help us adopt a more targeted means to detect unlicensed landlords, including expanding data-sharing and monitoring of on-line platforms advertising private rentals.

The introduction of a new national PRS register would help us to streamline our processes, enhance data accuracy and improve compliance across our schemes.

Our local landlord's charter and accreditation: We know that raising landlord awareness of best practice is key to raising standards, getting ahead of issues before they arise. We support the introduction of a national Landlord's Code of Conduct to better

inform landlords. In the meantime, until that code comes forward, we will continue to promote the London Landlord's Accreditation Scheme and membership of recognised landlord's associations, such as the National Residential Landlords Association. We will also continue to promote other accessible materials, such as the guidance that Citizen's Advice offers to both PRS landlords and private renters.

We will encourage and incentivise all landlords in H&F to sign up to the H&F Landlord's Charter, with discounted property licencing fees and prioritised working relations for those estate agents and landlords who sign up. We will endorse case exemplars to our many residents seeking housing within the borough.

Increasing the supply of affordable energy efficient homes: We know from our consultation and other research that the supply and availability of affordable homes is a key challenge for our borough. This is principally owing to supply side failures of historical national policy. However, we will continue to demand that developers build 50% genuinely affordable homes on their residential developments and apply the highest possible planning, and design standards to ensure all new major developments are as energy efficient as possible. This includes ensuring that 3,000 new energy efficient affordable homes are built, or underway, by 2026.

Delivery of our affordable homes programme will contribute to our affordable housing supply challenges, but this will not meet everyone's needs. We will continue to ensure we achieve robust nominations agreements with all registered providers of social housing. We will also explore opportunities to increase affordable housing supply in private developments, including through acquisitions and untapped arrangements with other social and PRS landlords.

Leading in safety: We will deliver safe housing solutions by supporting high standards in the PRS, working with the third sector to support victims of domestic violence, and where possible, minimising the number of children in bed and breakfast accommodation. Our PRS team will continue to inspect private homes using the Housing Health & Safety Rating System, inspect high risk buildings, and enforce against hazardous housing conditions.

Greening the private rented sector: The first objective of H&F's Fuel Poverty Strategy is to reduce energy bills for residents. We will help retrofit old and inefficient housing stock, promote take up of retrofit measures, and address installer capacity through the H&F Retrofit Strategy. We also want to support our landlords to embrace these changes and the positive effects this offers everyone and our environment.

We will enforce minimum energy efficiency standards and support landlords to go beyond this, taking steps to help private renters at risk from excess cold. We will help inform renters about their rights to ask their landlord for an EPC, and ensure landlords are aware of their obligations under the Energy Act, which requires that rented homes must achieve a minimum of an EPC E, or otherwise spend £3,500 getting closer to this target. The new government has signalled that it will set aims for PRS homes to meet a level of EPC C by 2030, which we support, backed by financial and tax instruments for landlords.

We will promote uptake of grant schemes and energy audits that encourage private renters to request home improvements.

PRIORITY 3: DELIVERING COMPREHENSIVE ENFORCEMENT ACTION

We have many exemplary landlords and estate agencies in the borough. They are hugely valued, and we want to retain them. But some unscrupulous landlords, agencies and intermediaries have been known to operate in the borough and exploit residents, and swift enforcement action will be taken to drive them out.

In our consultation, renters and landlords recognised that Councils need the right funding and powers to enforce effectively. Renters often asked for effective ways to report issues to hold poor performing landlords and agents to account. We will be bold in taking tough action to clamp down on those who seek to exploit and underserve our residents.

Through our Private Sector Housing Enforcement Policy, we are delivering comprehensive enforcement measures. We have also adopted the [London Lettings Enforcement Policy](#) which sets out how we will address issues related to tenancy deposits, letting agency fees, charges and [redress schemes](#). Whilst we have issued several penalties for non-compliance, we know there is still more work to do. We will continue to work collaboratively with the [National Trading Standards Estate and Letting Agency Team](#), proactively seek additional resources that can support our residents, and require that estate and letting agents provide the essential materials our residents need to make informed decisions and know their rights.

Our Commitments

Comprehensive enforcement action: We will continue to enforce robustly against inadequate maintenance and poor management. We will take measures to improve protections for residents and enforce against hazardous housing conditions and compliance failures. This means using the full range of our powers including the use of civil penalties and our Housing and Planning Act powers. We will register and track complaints, recording how they are resolved. We will also track Enforcement Notices served alongside the number of Financial Penalty Notices issued, ensuring they are paid.

Research tells us that Houses of Multiple Occupation (HMOs) can sometimes attract unscrupulous landlords, agents, and intermediaries seeking to exploit renters.¹² Our PRS Housing team have secured convictions against unlicensed HMO landlords, issuing significant fines, and recovering legal costs. This work will continue to safeguard our residents from exploitation, put other substandard landlords on notice, and drive-up standards. In extreme cases, through our licensing schemes, we will prohibit landlords from renting out properties in our borough.

Partnership working, between Council teams and with external agencies such as the NHS, Police and the Fire Brigade will be central to our approach to enforce against antisocial behaviour, and other offences. We will also work in partnership with the Mayor

¹² Cambridge House / University of York. (August 2020). Journeys in the shadow private rented sector. Available [here](https://ch1889.org/wp-content/uploads/2023/11/JourneysintheShadowPrivateRentedSector-FullReportAugust2020.pdf).
<https://ch1889.org/wp-content/uploads/2023/11/JourneysintheShadowPrivateRentedSector-FullReportAugust2020.pdf>

of London by investigating complaints, generated through the Mayor's Reporting Line, which are referred to us.

Delivering 'good' enforcement: We will continue to deliver on the principles of good enforcement, carrying out enforcement action in a transparent, accountable, proportionate, and fair way, in line with our Private Sector Housing Enforcement Policy. We will actively advise and work with landlords to help them comply with the law and ensure that key policies and messages are set out on our website, and are accessible.

Accreditation and redress: We will take enforcement action against those landlords and letting agents who are not members of the planned PRS Landlord's Ombudsman, the property [Ombudsman](#) or the [Property Redress Scheme](#), and those who do not display their fees in accordance with the regulations or provide inaccurate information.

The Renters Rights Bill proposes the introduction of a national redress scheme in the form of an ombudsman, of which membership will be mandatory for all PRS landlords. We will then have the power to issue civil penalties and/or fines for those PRS landlords who fail to join and fail to act on the ombudsman's directions. We support government proposals to introduce civil penalties of up to £7,000 for initial breaches (if they could have reasonably been prevented), and up to £40,000 (or criminal prosecution) for repeated breaches.

Empty Homes: We will join up our approach across the Council to ensure that privately owned empty homes are brought back into use and use enforcement powers where owners won't engage. Where dwellings have been vacant for a long time and the owner is failing to restore it within a reasonable time, we may start statutory enforcement action. We will further explore the case for additional specialist provision for locating empty properties and bringing them back into use, and to maximise availability to our residents.

We will also review and make use of new penalty powers afforded through the Levelling Up and Regeneration Act 2023, to charge a 100% council tax penalty where properties are left empty for 12 months. We will also look at more effective strategies including the potential of enforced sale if there are arrears of council tax, and placing a charge on the property to recover costs of works in default by the owner. We would seek the new government's support as current housing laws (Empty Dwelling Management Orders, or Compulsory Purchase Orders) do not provide a practical means for dealing with empty homes.

Short-term lets: We will act against unlawful short-term lets being let out beyond the 90-day annual limit without applying to the Council for permission first. This area of the market needs much tighter regulation and is open to illegal practices by landlords, letting agents, and sub-letting renters. We would advocate that the new government should discourage PRS landlords from entering the short-term and holiday let market through regulation and equalising the tax treatment for all forms of private letting. The lack of data on short-term lets makes enforcement challenging, and local councils need tools to better identify these properties within their areas, with better cross-borough data sharing.

Letting agencies: The borough is home to many reputable agents, who provide a dependable and efficient service to residents each year. However, insufficient national regulations have fuelled a small hidden economy of biased agents who rarely face justice. National research has found agents active in illegal activity in the sector, ranging from deliberate overcrowding, paperless tenancy agreements and cash payments, through to intimidation against renters who may have little recourse to counter with.¹³ Renters in our consultation typically were less satisfied with the performance of their letting agent than with their landlord, or the quality of the property they rent. We need to better understand the letting agent market in the borough and how we can work together to improve private renting in the borough.

PRIORITY 4: BUILDING A MORE INCLUSIVE AND ACCESSIBLE PRIVATE RENTED SECTOR

Housing is a key component of inequality in the UK, and there are long-standing inequalities with regards to ethnicity, age, sex, sexual orientation, and disability, among other protected groups. Housing has the potential to both cause, and be a tool to address, inequalities that exist in today's society.

It is promising to see that the new Renters Rights Bill is taking a strong focus on tackling discriminatory rental practices, and we will play our part locally. We will work with the new government to deliver a new DHS that delivers a more accessible and inclusive PRS.

Our Commitments

Tackling discrimination: There are long-standing inequalities in housing in the UK with regards to race and disability, and we are committed to making H&F the most inclusive borough in the country. We know some ethnic groups to be overrepresented in overcrowded and poorly insulated PRS homes.¹⁴ Residents from overseas and Disabled residents are also likely to have more challenges in accessing accommodation in the first place.¹⁵ This is something we are already addressing in our [Disabled People's Housing Strategy](#).

We will tackle discrimination in the sector that threatens the ability of some residents to secure accessible, secure, and safe housing. Drawing on the lessons from our Disabled and Older People's Resident Commissions, and our pioneering co-production initiatives, we will work to drive out discrimination and unfairness in the PRS and help people with additional support needs to ensure that the local PRS works for them. We will also seek to enforce provisions within the Renters Rights Bill to ensure children, families and people claiming benefits are not unfairly penalised when seeking to secure a home.

¹³ Cambridge House / University of York. (August 2020). Journeys in the shadow private rented sector. Available [here](https://ch1889.org/wp-content/uploads/2023/11/JourneysintheShadowPrivateRentedSector-FullReportAugust2020.pdf).

¹⁴ Gulliver, K. (2017). Racial discrimination in UK housing has a long history and deep roots. Available [here](https://blogs.lse.ac.uk/politicsandpolicy/racial-discrimination-in-housing/).

¹⁵ Grant, S., Peel, CH. (2015). "No Passport Equals No Home": An independent evaluation of the 'Right to Rent' scheme. Available [here](https://naccom.org.uk/wp-content/uploads/2019/04/No_Passport_Equals_No_Home.pdf).

We will proactively prevent discrimination by raising awareness of what constitutes discrimination – and related rights and obligations among landlords and private renters – through an information campaign and our landlord forum. Through our engagements and consultation, it's clear that renters and landlords see significant value in knowing more about tackling inequality and their legal responsibility to do this. We will support local renters so that they have somewhere to turn when they are discriminated against, particularly those who may have additional support needs, and those who are exploited or excluded for being themselves.

Disabled facilities grants (DFGs): Some Disabled residents face a significant challenge in accessing homes adapted to meet their needs, in an already highly competitive housing market.

Renters have a right to accessibility adaptations, and PRS standards should adhere to the UN Convention on the Rights of Persons with Disabilities. Nationally, the new DHS must adopt a social model of disability, to ensure homes are adapted to meet their needs. We will continue to offer grants to help eligible Disabled people adapt their home and live independently. We have found locally that some Disabled residents are not aware of the funding available or are dissatisfied with the process and length of time it takes. We will review how we are performing and ensure improvements are made.

Wraparound support: We strive to be a compassionate and inclusive Council. We will provide wraparound support to residents with additional support needs, helping to negotiate accommodation with private landlords at LHA levels so that the property is affordable to benefit-capped households. This includes offering landlords incentives to bridge the gap between the LHA rate and market rents, in addition to carrying out checks to ensure that the property meets decent standards. The previous government froze the LHA rates from 2020 to 2024, at a time of unprecedented inflation, and this has been disastrous for many families. The new government should revisit the LHA to ensure it reflects the real living costs of all residents.

Refugees and Asylum Seekers: Everyone deserves a safe home, including those fleeing war, persecution, and conflict. Refugees and asylum seekers are welcome in our borough. They make significant contributions to our community and economy, and we value the diversity they bring. We will continue to work with the UK Home Office to rehouse refugees and work with local landlords to achieve this.

Our PRS Housing Team has a dedicated officer working in partnership with *Clearview*, the Home Office Property Procurement Service. The team is developing a database, listing properties being used for the purpose of accommodating refugees and asylum seekers, with the aim of proactively dealing with complaints-handling and property inspections on behalf of refugees and asylum-seeking residents. Again, the new national PRS register would help provide a more holistic view across the sector.

New housing development: We will continue to ensure that at least 10% of all new housing in the borough meets the London Plan standards on wheelchair accessible housing, and that 90% of new homes meet the M4(2) standards, which require step free access and a range of other design features to enhance home accessibility.

MONITORING AND REVIEW

Developing this policy has strengthened our local PRS evidence, but also provides a clear and comprehensive account of our aspirations to improve the quality, affordability, and security of local PRS accommodation.

A Council delivery group will monitor progress against the commitments in this policy, some of which are reliant on more government funding. This will be led by a senior officer within H&F, who will carry out a review after one year of the policy being adopted, to ensure our actions are having the desired impact.

Appendix 1: Strategic Evidence Base

This appendix sets out a high-level overview of the PRS in H&F which has been used to inform this policy.

The growth of the private rented sector

The PRS is now the largest single tenure in the borough, accounting for approximately 30,000 properties (36% of homes in H&F).

A range of national policy decisions have led to exponential growth of the sector. Since 1980, the UK has experienced a shift in tenure composition because of: the introduction of Assured Shorthold Tenancies in 1988 and the end of Protected Tenancies; the introduction of Right to Buy in 1980; growth in buy-to-let mortgages during a period of low interest rates; and significant growth in house prices which has made purchasing unaffordable for many people in London. These influences have contributed to a prolonged contraction in the number of socially rented homes, a reduction in home ownership, with concurrent expansion of the PRS.

Growth in the PRS, however, may be levelling off with the introduction of a further stamp duty surcharge on new purchases since 2016, increased tax burdens, and reductions in tax relief, and rising interest rates.¹⁶ Indeed, many of the landlords we spoke to were concerned about these pressures making their business model unviable, leading to higher rents or exiting the market. However, the New Economics Foundation estimates that between 2021/22 and 2025/26, PRS landlords will be in receipt of over £58bn of local housing allowance and universal credit benefits payments, as there remains an insufficient supply of social housing nationally and policy announcements under the previous government.

Increasing the number of genuinely affordable and accessible homes in the borough remains a high priority of the Council's Housing Strategy, with our ambition being for 3,000 new affordable homes to be built or underway by 2026. Increasing the supply of affordable homes was strongly supported through our consultation, and we are continuing to build social rented homes through our development programme, and we will require that developers build 50% affordable homes on their residential developments.

Standards in the PRS

The English Housing Survey finds that 21% of England's homes in the PRS could fall short of the DHS, the minimum legal threshold that must be met by socially rented properties. As we have discussed, PRS homes are more likely to fall short when compared to socially rented and privately owned homes.¹⁷ Although London performs better than the national average, there are still likely to be thousands of homes in the borough with either safety hazards, poor heating or insulation, or outdated kitchen or bathroom amenities – issues that recent data suggests are confined principally to flats.

¹⁶ Lloyd, T., Grayston, R., and Hudson, N. (2023). *Reboot: building a housing market that works for all*.

¹⁷ English Housing Survey 2022 to 2023: housing quality and condition. Available [here](https://www.gov.uk/government/statistics/21english-housing-survey-2022-to-2023-housing-quality-and-condition/21english-housing-survey-2022-to-2023-housing-quality-and-condition).

We also know from our consultation that renters will under-report issues about their rented property, due to fears of negative consequences and repercussions.

Unfortunately, there are instances of landlords who do not fulfil their obligations and fail to keep their properties in a safe and decent condition. In a 2021 survey of 99 private renters, we found that 68% were satisfied with the service provided by their landlord.¹⁸ This had decreased to only 49% in our 2024 consultation.¹⁹ Of the private renters in our 2024 survey, 37% said they were unhappy with the quality of their housing.

Many of those private renters cited issues pertaining to poor conditions, or their landlords responding poorly to repairs. Some were reluctant to raise these issues with their landlords, in anticipation that they could be met with reprisals, such as increased rent or eviction notices.

Research shows that Black and ethnic minority renters are disproportionately faced with barriers that prevent them from securing a home in the sector, compared to White renters. In particular, renters of colour are more likely to encounter prejudicial barriers from landlords or agents if they; have children; are single parent households; and/or are in receipt of benefits. They are also disproportionately more likely to be asked to provide high levels of rent up front.²⁰ Renters of colour are 87% more likely to have experienced illegal acts by their landlord in the last year. These pressures perpetuate a broader under-reporting of issues which could result in reprisal such as eviction, and the resultant inequitable struggle to find a new home.²¹

Research shows that poor relationships with landlords can lead to feelings of powerlessness, stigma, financial stress, and anxiety.²² With so many of the homes in our borough in the PRS, it is vital we respond effectively and swiftly to these problems with a comprehensive plan of action. The transparency achieved through annual landlord reporting, rent stabilisation, security of tenure, and a Landlord's Code of Conduct would undoubtedly help to smooth many of these fractious issues.

London wide data shows that nearly half of PRS homes (46%) had EPC ratings of "D", which could equate to as many as 14,000 homes in H&F. In autumn 2023, the then government scrapped its plans to introduce a national standard from 2025 that would require all PRS homes to hold an EPC C rating (or above) by 2028. The new government has signalled they will pursue a 2030 target for that aforementioned national standard, and although this is a huge national challenge and undertaking by the government, we fully support that ambition.²³ For many properties these upgrades could require structural alterations which could realise huge benefits to living standards.

¹⁸ Appendix 5, Survey of tenants in H&F PRS. Available [here](https://democracy.lbh.gov.uk/documents/s117609/PAC%20Report%2019%2020%20July%202021%20Private%20Sector%20Housin%20g.pdf).

¹⁹ Note: Survey answers in 2021 did not include a "neither satisfied, nor dissatisfied" option.

²⁰ Shelter (December 2023). Racism in the private rented sector. Available [here](https://england.shelter.org.uk/what_we_do/updates_insights_and_impact/prejudice_in_practice_racism_in_the_private_rented_sector).

²¹ Shelter (May 2024). The Fight for Home is a Fight Against Racism. Available [here](https://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/the_fight_for_home_is_a_fight_against_racism#:~:text=Everyone%20deserves%20an%20affordable%2C%20decent.a%20roof%20over%20their%20head.).

²² Harris, J. (2021). Health and wellbeing in the UK PRS.

²³ Property118. (July 2024) | Ed Miliband: Landlords must meet EPC C targets by 2030. Available [here](https://www.property118.com/news/ed-miliband-landlords-must-meet-epc-c-targets-by-2030).

In 2021, Fuel Poverty statistics showed that 11.3% of households in H&F were fuel poor, having both a low income and low EPC rating, with higher concentrations in the north of the borough. This further penalises private renters, with EPC E rated properties consuming 48% more gas than those properties with an EPC C rating.²⁴

Decarbonising the PRS should start with raising the Minimum Energy Efficiency Standard (MEES) up to EPC C, meaning that landlords must ascertain this rating to be legitimately able to register and let out a property.

Unlike the social sector, private rented properties are not classified in terms of accessibility. This makes it difficult for Disabled people, who need accessible properties. With a fast-moving PRS market in London, where prospective renters will out-bid for properties, there are few incentives for landlords to prioritise renters based on issues such as accessibility, where further commitments to adaptation might be required.

This can compound an issue in which Disabled people will start from a disadvantaged financial baseline. Non-Disabled workers earn approximately 17% more than Disabled workers – with Disabled women this gap increases to 35% – whilst Disabled workers are over twice as likely to be unemployed as non-disabled workers²⁵. Where the cost of social care is incurred, households with at least one Disabled person face costs of nearly £1,000 per month²⁶ – pricing many out of the PRS.

As the population ages, domestic adaptations will become increasingly necessary. A report by the Centre for Ageing Better observes that accessibility, adaptations, and maintenance are a problem across all housing sectors. It highlights: ‘We must prepare for the reality of an ageing population... by 2041, one in four people in England will be aged 65 or over... with the number of people aged 85 and over expected to double to 3.2 million by 2041’.²⁷ The vast majority of us would prefer to remain living independently as we age, and independent living forms a key pillar in our Adult Social Care approach, which is outlined in the H&F Plan (2023-2026).

The high cost of renting

Our consultation showed that the primary issue of concern for private renters was the high cost of renting. Around three-quarters of private renters in our survey referenced the financial strain of renting in the borough. Some of the consequences of this include the view that private renters will be forced to leave the borough to rent elsewhere, or they may stay renting accommodation that is substandard to keep an affordable rate of rent.

[Property118 | Ed Miliband: Landlords must meet EPC C targets by 2030 - Property118](#)

²⁴ Resolution Foundation (2022). *Shrinking footprints: The impacts of the net zero transition on households and consumption*. Available [here](#)

<https://economy2030.resolutionfoundation.org/wp-content/uploads/2022/03/Shrinking-footprints.pdf>

²⁵ TUC, (November 2022). Non-disabled workers paid 17% more than disabled peers. Available [here](#).

<https://www.tuc.org.uk/news/non-disabled-workers-paid-17-more-disabled-peers-tuc>

²⁶ H&F BI data, August 2024.

²⁷The Good Home Enquiry, (2021). Available [here](#).

<https://ageing-better.org.uk/sites/default/files/2021-09/good-homes-for-all-a-proposal.pdf>

This pressure has intensified recently with rising rents and inflation. Figures indicate rental growth on newly let properties during 2023 peaked at 17% in inner London,²⁸ with the median monthly rent for a two-bedroom flat in H&F being £2,319 – the 4th highest in London.²⁹ This equates to nearly £28,000 a year – a prohibitively high figure for many households. Without rent stabilisation measures to bring levels back into line with resident’s wages, we face an unsustainable future for most people wanting to rent a home in the borough, and across London.

According to Trust for London, private renters of one-bedroom homes in H&F spend 53% of their income on housing, well above the London average (46%).³⁰ The practicalities of moving home are also very costly to private renters. More than half a billion pounds is spent annually on PRS rental moves in England, costing the average PRS renter around £670, according to the charity Shelter.³¹ Those costs can include paying rent and bills on two homes simultaneously.

The challenge of affordability has been further exacerbated by the freezing of Local Housing Allowance (LHA) since March 2020 – the cap used by the previous government to calculate Housing Benefit for low-income residents renting from private landlords. LHA was finally unfrozen and increased to 30th percentile of local rents from April 2024. LHA will need to remain in step with living costs going forward if it is to remain an effective method of support to renters.

An increased demand for PRS homes in the borough means that some landlords, agents and intermediaries (such as sub-letting renters, or so-called rent-to-rent organisations) are able to get away with letting poorly maintained properties. Unfortunately, this supply and demand imbalance is particularly pronounced for people living on lower incomes, potentially encouraging some landlords operating at that end of the market to capitalise where people are less likely to complain.³²

Private renters in H&F

The English Housing Survey shows that the PRS has a much greater diversity of household types than in the past. The PRS is increasingly being relied on by those who require more than mere flexibility, but also affordability, stability and security, which can be challenging in the PRS. The growing sector means that more younger households, lone parents and single-person households are exposed to a lack of secure tenure, unaffordable housing costs and, consequently, are at risk of financial distress and homelessness.³³ Based on 2011 data, 92% of private renters are aged under 50.³⁴

²⁸ Hamptons (2024). Rental index data. Available [here](https://www.hamptons.co.uk/research/rental-index-data/)
<https://www.hamptons.co.uk/research/rental-index-data/>

²⁹ H&F BI data, August 2024.

³⁰ Trust for London, (2023). London rent as a percentage of gross pay. Available [here](https://trustforlondon.org.uk/data/rent-affordability-borough/).
<https://trustforlondon.org.uk/data/rent-affordability-borough/>

³¹ Shelter, (April 2024). Unwanted moves cost renters more than half a billion pounds a year. Available [here](https://england.shelter.org.uk/media/press_release/unwanted_moves_cost_renters_more_than_half_a_billion_pounds_a_year_)
https://england.shelter.org.uk/media/press_release/unwanted_moves_cost_renters_more_than_half_a_billion_pounds_a_year_

³² Shelter, (March 2014). Can't complain. Available [here](https://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/report_cant_complain).
https://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/report_cant_complain

³³ Lloyd, T., Grayston, R., and Hudson, N. (2023). *Reboot: building a housing market that works for all*.

³⁴ Data Viewer - Nomis - Official Census and Labour Market Statistics. Available [here](https://www.nomisweb.co.uk/).
<https://www.nomisweb.co.uk/>

In H&F, White groups make up the majority of private renters (73%), which is slightly above the average across all tenures in the borough, at 68%. Asian households in the borough are also overrepresented in the PRS (12%) compared to the average across all tenures in the borough (10%). Conversely, Black, Black British and other Black groups are underrepresented in the PRS, making up 4% in PRS households, compared to 12% in all households across the borough. However, it is notable that, 30% of social rented households are accounted for by Black, Black British and other Black groups, representing the biggest proportional discrepancy between these two tenure types³⁵

We also know that some Black, Asian and minority ethnic groups are overrepresented in overcrowded and poorly insulated homes,³⁶ and that Disabled residents and residents from overseas can face more challenges in accessing accommodation.³⁷ The 2022 English Housing Survey showed that of all groups in the PRS, it is struggling families (typically low-income lone parents) that suffer most with respect to overcrowding, damp and mould and affordability challenges, with singles most at risk of homelessness.³⁸

³⁵ H&F BI data (Nov 2024)

³⁶ Gulliver, K. (October 2017). Racial discrimination in UK housing has a long history and deep roots. Available [here](https://blogs.lse.ac.uk/politicsandpolicy/racial-discrimination-in-housing/).
<https://blogs.lse.ac.uk/politicsandpolicy/racial-discrimination-in-housing/>

³⁷ Grant, S., Peel, CH. (2015). *"No Passport Equals No Home": An independent evaluation of the 'Right to Rent'*

³⁸ English Housing Survey 2022 to 2023: housing quality and condition. Available [here](https://www.gov.uk/government/statistics/english-housing-survey-2022-to-2023-housing-quality-and-condition/english-housing-survey-2022-to-2023-housing-quality-and-condition).
<https://www.gov.uk/government/statistics/english-housing-survey-2022-to-2023-housing-quality-and-condition/english-housing-survey-2022-to-2023-housing-quality-and-condition>

Appendix 2: Equality Impact Assessment

Overall Information	Details of Full Equality Impact Analysis
Financial Year	2024/25
Name and details of policy, strategy, function, project, activity, or programme	<p>Private Rented Sector Policy</p> <p><u>Short summary:</u> The Council is seeking to adopt an ambitious Private Rented Sector (PRS) Policy for H&F, which aims to make private rented housing standards in the borough the best in London. The policy sets out how we will work with private renters and landlords to create a more accessible, secure, and high quality PRS for local residents. This work contributes positively towards the ambitions of the H&F Plan 2023-2026 and the Council's wider Housing Strategy, as we seek to deliver more affordable, accessible, safe, and sustainable housing options for our residents. This follows a wide-ranging public consultation that has shaped the policy.</p>
Lead Officer	<p>Name: Clancy Connolly Position: Policy Officer Email: clancy.connolly@lbhf.gov.uk</p>
Date of completion of final EIA	18 November 2024

Section 02	Scoping of Full EIA
Analyse the impact of the policy, strategy, function, project, activity, or programme	<p>Housing is a key component of inequality in the UK, and there are particularly long-standing inequalities with regards to ethnicity, age, sex, sexual orientation, and disability, among other protected groups identified in the Equalities Act 2010. Housing has the potential to both cause, and be a tool to address, inequalities that exist in today's society. This Policy contributes positively to tackling these issues. The Policy explains how we will tackle rental discrimination within the PRS that threatens the ability of some residents to secure accessible, secure, and safe housing. Drawing on the lessons from our Disabled and Older People's Resident Commissions, and our pioneering co-production initiatives, the policy sets out that we will work to drive out systemic discrimination and unfairness within the PRS and help people with additional support needs to ensure that the local PRS works for them. The Policy also seeks to tackle discrimination if faced by landlords in the borough, although this EIA focuses more so on renters, given this is a much larger group.</p>

The rising cost of private renting, growth of the sector, and comparative low quality of this tenure compared to owner and social tenures means there is inequality, as the sector has insufficient regulation, and research shows that some illegal and unethical practices happen.

English Housing Survey [data](#) (2022-23) shows that there is great diversity across the PRS, particularly compared to owner-occupied housing, with migrants from the EU and rest of the world renting in the borough. Statistics show that Black representation in the PRS (and owner occupied / mortgaged properties) is comparatively low, but accounts for a much higher percentage of social renters in the borough.¹

Private renters in particular protected groups can face discrimination when renting, or when seeking to agree a tenancy agreement, from unscrupulous landlords and letting agents. Research shows that private renters disproportionately encounter discrimination and barriers to access PRS homes if they; are Black or of an ethnic minority background; are in receipt of benefits; have children; are a single-parent household; or have pets.²

The financial and socio-economic barriers to renting in the PRS are also disproportionately high. More people in London spend a relatively high amount of their income on their rents (42% of the average Londoner's income) compared to the average 26%-30% seen more broadly nationally. Renters in the PRS will have less disposable income, whilst many residents are financially precluded from renting in the PRS to begin with, which is likely to add to pressures in social housing demand and/or force people to rent elsewhere.

Other socio-economic factors preclude people from the PRS, particularly around the decision-making of landlords. The English Private Landlord [Survey](#) (2021) reveals that private landlords are more likely to let to white collar, professional workers (60%), followed by blue collar / manual workers (39%), whilst the minority will let to people in receipt of Housing Benefit or Local Housing Allowance (~18%), or people in receipt of Universal Credit (~16%), key groups that rely on the PRS. The vast majority of landlords (83%) state that they believe their tenants do not receive any benefits.³

The policy explicitly seeks to target the poorest performing sub-sectors of the PRS market, where iniquity is most likely to exist. Accordingly, this PRS policy speaks directly to an awareness of these inequalities, how we will help to tackle discrimination in the sector and make the sector more accessible and inclusive for everyone through robust enforcement, resident engagement, implementation of national reforms and ensuring the Council continues to support the supply of more affordable homes that meets residents' needs.

¹ English Housing Survey. Jul 2024.

<https://www.gov.uk/government/statistics/english-housing-survey-2022-to-2023-rented-sectors/english-housing-survey-2022-to-2023-rented-sectors>

² Shelter. Dec 2023.

https://england.shelter.org.uk/what_we_do/updates_insights_and_impact/prejudice_in_practice_racism_in_the_private_rented_sector

³ English Private Landlord Survey. Sep 2024.

<https://www.ethnicity-facts-figures.service.gov.uk/work-pay-and-benefits/benefits/state-support/latest/>

This policy, and the equality implications that surround broader housing in the borough, is supported through wider strategic work through the Council's Housing, Rough Sleeping and Homelessness, older and Disabled residents housing strategies, among others – all of which inform and are informed by our corporate priority in the H&F plan 2023-2026 of promoting fairness, equity and inclusions for all – alongside our organisational value of being a compassionate and inclusive council. A full equalities impact analysis is provided below, but in summary, the Council's PRS Policy is only expected to have a positive impact on protected groups, with no negative impact expected based on our analysis.

Protected characteristic	Analysis	Impact:
Age	<p>The proposal will have a direct positive impact on people of different ages in the borough. We expect some people of all ages may be negatively impacted by poor housing conditions in different ways, and this Policy seeks to support all residents in that respect.</p> <p>For older residents in ill-health or Disabled residents, the Council offers funding for residents to adapt private rented homes with the support of their landlord. In line with English Housing Survey data, we recognise that the sector houses many younger residents, more so than other tenures (owner occupied, mortgage, or social housing). Supporting residents of all ages in accessing safe and warm housing, with secure tenancy agreements in place, will serve to provide a more solid foundation for residents going forward.</p> <p>This policy recognises that the law will change to end Assured Shorthold tenancies, which will be replaced by periodic / rolling tenancies – and that this will affect student living in the PRS. Under the Renters Rights Bill, purpose-built student accommodation will be exempt from the scope of the bill providing they have signed up to government approved codes of practice. Student off-street properties will be within scope of the Bill and we await clarifications from government on how new tenancy agreements will fall in step with the academic year in order to remain open to new student intakes.</p>	Positive
Disability	<p>Disabled and long-term ill residents are likely to be more impacted by poor PRS housing they may be more susceptible to the impacts of cold homes if they are less mobile. Disabled residents nationally are twice as likely to live in poverty and often need more domestic energy for essential living. Resolution Foundation</p>	Positive

		<p>research highlights that around half of disabled adults are having to cut back on food, have significantly less disposable income or savings than non-disabled people, and will struggle to heat their homes.⁴</p> <p>A separate report by Trust for London showed that disabled and long term sick people were the demographic group most likely to be unable to afford to keep their house warm.⁵</p> <p>Disability groups have called for more accessibility in the PRS, noting that the shortage of social housing has meant that renting privately has become the only option for many Disabled people, with 1 in 5 currently relying on the PRS. Of these PRS renters, 1 in 3 are forced to live in homes which are unsuitable.</p> <p>Disabled residents can also find it harder to secure suitable homes, in part because of discrimination that can exist, and with highly damaging repercussions. Disabled people living in unsuitable accommodation are; less likely to be in work; more likely to experience physical and mental health deterioration; more likely to be admitted to hospital as a result of falls; more likely to rely on social care and are not able to live independently.</p> <p>This Policy actively seeks to drive up home energy efficiency standards (supported by our housing development programme and Fuel Poverty Strategy) and offers to support Disabled residents with home improvements and / or adaptations through Disabled Facilities Grants.</p>	
	Gender reassignment	<p>As of the 2021 Census, 425 people in the borough identified as transgender. Research suggests that some landlords may refuse to let properties to transgender tenants based on their own personal prejudice. H&F offers the facility to register complaints in these situations and the policy commits to challenge discrimination, including for transgender residents – of which the 2021 Census found there were over 330 H&F residents living in the PRS, or rent-free. Discrimination within a housing context can take many forms – from landlords and estate agents refusing to rent to LGBTQ+ people, to harassment and abuse</p>	Positive

⁴ Resolution Foundation. Jan 2023.

<https://www.resolutionfoundation.org/press-releases/44-per-cent-disability-income-gap-makes-people-with-disabilities-more-likely-to-struggle-to-heat-their-homes-and-cut-back-on-food-this-winter/>

⁵ Trust for London. Jul 2022.

https://trustforlondon.fra1.cdn.digitaloceanspaces.com/media/documents/Londons_Poverty_Profile_2022_report_150dpi33_copy_4VN0wdD.pdf

	<p>from neighbours. A 2022 study found that around 1 in 5 LGBTQ+ private renters have experienced discrimination from landlords, with transgender individuals experiencing even higher levels of discrimination and risk of homelessness. ⁶</p> <p>The policy commits to prevent discrimination by raising awareness of what constitutes discrimination – and related rights and obligations among landlords and private renters – through an information campaign and our landlord forum.</p>	
Marriage and Civil Partnership	The policy supports all residents regardless of their marital status.	Neutral
Pregnancy and maternity	<p>Around 90% of single parents are women.⁷ The British Psychological Study have warned that the recent rise in everyday living costs, which is fuelled in part by high housing costs, will have a disproportionate impact on women’s mental health, in part because of childcare responsibilities and the associated costs, and the challenges that childbirth can create for re-entering the workplace.</p> <p>In 2023, the Property Ombudsman ruled that blanket bans on letting properties to families with children discriminates against women and are against the sector’s code of practice in England. Around 20% of parents – equating to almost 300,000 families in England – have been unable to rent somewhere they wanted in the last five years because they have children, according to Shelter.</p> <p>The UK has the highest childcare costs in Europe. The high cost of housing is a key issue and challenge for residents, and the high cost of childcare together with gender based average income inequality exacerbates affordability challenges for women.</p> <p>Our survey had over 60% of responses from women and this policy has been developed with their views in mind.</p>	Positive
Race	In H&F, ‘white’ groups make up 63% of the population, and the majority of private renters (73%), which is slightly above the average across all tenures in	Positive

⁶ Generation Rent. Jun 2022. <https://www.generationrent.org/2022/06/28/i-didnt-feel-safe-being-my-full-self/>

⁷ Gingerbread. Jul 2024. <https://www.gingerbread.org.uk/our-work/single-parents-facts-and-figures/>

		<p>the borough (68%). Asian households make up around 10% of the population in the borough, and are slightly overrepresented in the PRS (12%) compared to the average across all tenures in the borough (10%). Conversely, nearly 14% of the borough 's population is Black residents or residents identifying as being of any other Black background, but these groups are underrepresented in the PRS, making up just 4% of PRS households, compared to 12% in all households (predominantly social rented housing) across the borough.⁸</p> <p>Research shows that Black and Ethnic Minority renters are disproportionately faced with barriers that prevent them from securing a home in the sector, compared to White renters. In particular, Black and Ethnic renters are more likely to encounter prejudicial barriers from landlords or agents if they; have children; are single parent households; and/or are in receipt of benefits. They are also disproportionately more likely to be asked to provide high levels of rent up front and tolerate poorer living arrangements.⁹ We also know that some ethnic groups are overrepresented in overcrowded and poorly insulated homes.</p> <p>The Policy focusses specifically on these poorest performing sectors of the market. The policy is explicit that “We will support local renters so that they have somewhere to turn when they are discriminated against, particularly those who may have additional support needs, and those who are exploited or excluded for being themselves.” This includes those who are discriminated against based on race.</p>	
	Religion/belief (including non-belief)	The policy is explicit that “We will support local renters so that they have somewhere to turn when they are discriminated against, particularly those who may have additional support needs, and those who are exploited or excluded for being themselves.” This includes those who are discriminated against based on religion or belief.	Positive
	Sex	English Housing Survey data finds that around 60% of private renters are male, whilst a similar percentage of social renters are women. As this document has highlighted, it is also highly likely that single parents, 90% of whom are female, will encounter discrimination and exclusion to renting in the PRS.	Positive

⁸ Census 2021 data for H&F.

⁹ Shelter (December 2023). Racism in the private rented sector.

https://england.shelter.org.uk/what_we_do/updates_insights_and_impact/prejudice_in_practice_racism_in_the_private_rented_sector

	Our survey had over 60% of responses from women and this policy has been developed accordingly. The policy supports all residents regardless of sex, and is committed to tackling discrimination in this respect.	
Sexual Orientation	The policy supports all residents, regardless of their sexual orientation. We know that LGBTQ+ people are disproportionately likely to face disadvantage in seeking appropriate housing, which in turn can impact their wellbeing. The policy is explicit that “We will support local renters so that they have somewhere to turn when they are discriminated against, particularly those who may have additional support needs, and those who are exploited or excluded for being themselves.” This includes those who are discriminated against based on religion or sexual orientation.	Positive
Care leavers	<p>The policy supports all residents including care leavers and is committed to tackling any discrimination this group faces in accessing PRS homes as part of living independently.</p> <p>In June 2023, Cabinet agreed that 'care experienced' be recognised as a protected characteristic in H&F. By agreeing to include care experience as a protective characteristic, H&F pledges to support those residents into housing, until the age of 25. We are committed that future services and policies made and adopted by the council will be assessed through equality impact assessments to determine the impact of changes on people with care experience.</p> <p>H&F commits, through our housing charter for care experienced young people, to work with suitable private landlords to support care experienced renters in accessing suitable and affordable PRS tenancies, pledging to provide the deposit and first month's rent, and act as a guarantor where necessary.</p> <p>Our charter also pledges to support renters to understand their rights and landlord responsibilities, whilst dealing with complaints promptly and fairly – escalating any issues where appropriate.</p>	Neutral

Human Rights or Children's Rights

Will it affect Human Rights, as defined by the Human Rights Act 1998? No

Will it affect Children's Rights, as defined by the UNCRC (1992)? No

Section 03	Analysis of relevant data Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.
Documents and data reviewed	Key data sets and reported figures considered are: <ul style="list-style-type: none"> • Census 2021, Office for National Statistics. • Gulliver, K. (2017). Racial discrimination in UK housing has a long history and deep roots. • Grant, S., Peel, CH. (2015). “No Passport Equals No Home”: An independent evaluation of the ‘Right to Rent’ scheme. • Single parents: facts and figures, Gingerbread https://www.gingerbread.org.uk/ • UK inflation rate is substantially higher for women’, New Statesman, August 2022. https://www.newstatesman.com/business/economics/2022/08/uk-inflation-rate-higher-for-women • Back on target, <i>Resolution Foundation</i>, May 2022, https://www.resolutionfoundation.org/publications/back-on-target/ • Falling faster amidst a cost-of-living crisis: Poverty, Inequality and Ethnicity in the UK’, <i>Runnymede Trust</i>, October 2022. 633d8007a3bfa49bd4cd0fa8 Runnymede Briefing Cost of Living FINAL.pdf • From Disability to Destitution’, <i>Joseph Rowntree Foundation</i>, July 2022. https://www.jrf.org.uk/deep-poverty-and-destitution/from-disability-to-destitution • English Housing Survey, 2021-22. English Housing Survey 2021 to 2022: private rented sector - GOV.UK • English Housing Survey, 2022-23. English Housing Survey 2022 to 2023: rented sectors - GOV.UK • English Private Landlord Survey, 2021. English Private Landlord Survey 2021: main report - GOV.UK • Family Resources Survey, 2022. State support - GOV.UK Ethnicity facts and figures • H&F Housing charter for care experienced young people. Housing charter for care experienced young people London Borough of Hammersmith & Fulham • Disability Rights UK. Disability Groups Call for More Accessible Housing for Private Renters, 2024. Disability Groups Call for More Accessible Housing for Private Renters Disability Rights UK • ‘I don’t feel safe being my full self’, Generation Rent, 2022. "I didn't feel safe being my full self" - Generation Rent
Section 04	Consultation
Consultation	A separate consultation summary has been developed

Analysis of consultation outcomes	In our survey, there were approximately twice as many men who were landlords compared to women. Conversely, there were twice as many women who identified as private renters. Whilst the sample size was not statistically significant, it raises the importance of having a gender balance in future engagement activities, such as through the landlords forum proposed in the policy.
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Section 05	Action Plan			
Action Plan	Note: You will only need to use this section if you have identified actions as a result of your analysis			
	Action to be taken	When	Lead officer and department	Expected outcome
	To monitor on an ongoing basis which protected groups are accessing funding, to ensure they are fairly represented in the support we offer.	Over the course of the policy's delivery	Assistant Director, Housing Standards	Better and more equal representation of the views of residents and landlords.

Section 08	Agreement, publication and monitoring			
Senior Managers' sign-off	Name: Matthew Sales Position: Assistant Director Email: matthew.sales@lbhf.gov.uk Telephone No: 07776 672963			
Key Decision Report (if relevant)	Date of report to Cabinet Member: 20 November 2024 Key equalities issues have been included: Yes			

Report to: Full Council

Date: 22/01/2025

Subject: Review of the Constitution

Report of: Councillor Stephen Cowan – The Leader of the Council

Report author: David Abbott, Head of Governance

Responsible Director: Grant Deg, Director for Legal Services and Monitoring Officer

SUMMARY

This report asks Council to approve changes to the Constitution to modernise the document, reflect changes in legislation and organisational structure, and make it easier to navigate and reference. The report also requests approval of appointments to committees and outside bodies.

RECOMMENDATIONS

1. That Full Council approves the updates to the Constitution detailed in Appendices 1 and 2.
2. That Full Council agree the following changes to committee appointments:
 - Replace Councillor Zarar Qayyum with Councillor Jacolyn Daly on the Licensing Committee.
3. That Full Council agree the following changes to Outside Bodies appointments to Sir William Powell Almshouse and the Lyric Theatre: Names to be tabled.
4. That Full Council agree to delete the Lead Member for Flood Mitigation role.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Corporate Plan and the H&F Values
Doing things with local residents, not to them	Regular reviews of the constitution help to ensure a high standard of governance across the Council.

Financial Impact

The recommendations in this report have no direct financial implications.

Alex Pygram, Head of Finance, Corporate Services – 14/1/2025

Legal Implications

The Local Government Act 2000 requires the Council to have and maintain a Constitution. The Monitoring Officer must be satisfied that the Council's Constitution continues to fulfil its stated purposes, as set out in Article 1 of the Constitution. The appropriate decision maker is Full Council. It is confirmed that there are no legal impediments to Full Council approving the proposed updates to the Constitution.

Glen Egan, Assistant Director of Legal – 14/01/2025

Background Papers Used in Preparing This Report

The Council's Constitution: www.lbhf.gov.uk/constitution

DETAILED ANALYSIS

Proposals and Analysis of Options

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.
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.
3. 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.

Reasons for Decision

4. 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 14 of the Constitution.

Updates to the Constitution

5. This report proposes a range of changes to modernise the constitution and make it easier to navigate and reference. Several sections have been moved to group relevant topics together, sections have been amended to reflect

organisational restructures and changes to job titles, and redundant or outdated sections have been removed.

6. In summary, the proposed changes are:
 - Part 1 – The Council’s Constitution: Removed redundant sections.
 - Part 2 – Articles: Removed redundant sections and incorporated several sections including councillor terms of office, access to information rules, mayoral functions, policy and accountability powers and procedures and access to documents from Part 4 – Rules of Procedure.
 - Part 3 – Responsibility for Functions: Removed redundant sections, amended sections to reflect updates to legislation, improved clarity, and changes to job titles.
 - Part 4 – Rules of Procedure: Removed redundant sections and sections that have been moved to the articles to improve navigation. Updated Planning and Licensing Code for Councillors and Officers.
7. The complete draft constitution with tracked changes can be found at Appendix 1. A detailed summary of the changes can be found at Appendix 2.

Changes to Committee Appointments and Outside Bodies Appointments

8. The following changes to committee appointments have been proposed:
 - Replace Councillor Zarar Qayyum on the Licensing Committee with Councillor Jacolyn Daly to avoid any potential conflict of interest issues due to Councillor Qayyum’s portfolio as Cabinet Member for Enterprise and Skills.
9. Changes to Outside Bodies appointments have been proposed to fill a vacancy on Sir William Powell Almshouse following Councillor Adronie Alford stepping down from the role in December 2024, and replacing Councillor Emma Apthorp on the Lyric Theatre following her resignation in January 2025. The final appointments will be tabled at the meeting.

Lead Member Changes

10. It is proposed that the Lead Member for Flood Mitigation role be deleted.

LIST OF APPENDICES

Appendix 1 – Constitution with tracked changes

Appendix 2 – Summary of changes to the Constitution



DRAFT CONSTITUTION

Produced by Governance and Scrutiny

Updated January 2025

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PART 1 – SUMMARY AND EXPLANATION

The Council's Constitution

1. The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that it is efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
2. The constitution is divided into Articles, which set out the basic rules governing the Council's business and more detailed procedures and codes of practice are provided in separate rules and protocols later in the document.

How the Council operates

3. The Council is composed of 50 Councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
4. Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer and the Council's Standards Committee oversee the operation of this code, provides advice and training for Councillors, and considers complaints against Councillors and co-opted members.
5. All Councillors meet together as the 'Full Council'. Meetings of the Council are open to the public. Here, Councillors decide the Council's overall policies and set the budget each year. The Council is responsible for electing the Leader (who appoints the other members of the Executive, known as 'Cabinet'), and the memberships of Regulatory Committees and Overview and Scrutiny Committees, known as 'Policy and Accountability Committees'. This is carried out at the Annual Council meeting each year. At Ordinary Council meetings, Councillors may also submit special motions for debate. A formal vote is taken on these matters and any other issues raised.

How decisions are made

6. The Executive (Cabinet) is the part of the Council which is responsible for most significant day-to-day decisions. The Executive is made up of a Leader (who is elected by the Council), a Deputy Leader and a Cabinet of 8 other Councillors (Cabinet Members) appointed by the Leader.
7. When major decisions are to be discussed or made, these are published a month in advance in the key decisions list in so far as they can be anticipated. If these major decisions are to be discussed and decided on with Council officers at a meeting of the Executive, this will generally be open for the public to attend and/or to submit a deputation or petition, except where personal or confidential or exempt matters are being discussed. Members of the Executive may also consider petitions on other matters.

8. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and scrutiny

9. Overview and Scrutiny Committees (known as Policy and Accountability Committees and overseen by the Policy and Oversight Board in Hammersmith & Fulham) develop key policies for the Council on behalf of and with residents and community groups, and hold the Executive to account. They shadow the work of the Executive, and allow citizens to have a greater say in Council matters by way of:
 - a deputation request;
 - a petition;
 - by being directly co-opted to sit on a policy and accountability committee, sub-committee or task group;
 - by participating in select-committee style public inquiries;
 - or by commenting on and participating in the determination of council policy.
10. The input from members of the public and community groups helps advise and inform the decisions of the Executive and the Council as a whole on its policies, budget and service delivery.
11. Councillors (and voting education co-optees on education matters) can 'call-in' a decision which has been made by the Executive but not yet implemented (see overview and scrutiny procedure rules). This enables backbench councillors to consider whether the decision is appropriate. They may recommend that the Executive reconsiders the decision, or that the Council determines the matter if it appears to be a breach of the agreed budget and policy framework. Policy and Accountability Committees may also be consulted by the Executive on forthcoming decisions and the development of future policy.

The Council's staff

12. The Council has people working for it (called 'officers') to give advice, implement decisions, and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationship between officers and members of the Council.

Citizens' rights

13. Citizens have a number of rights in their dealings with the Council. These are set out in more detail in [Article 3](#). ~~Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.~~

~~14. Where members of the public use specific Council services, for example as parents of a school pupil or as Council tenants, they have additional rights. These are not covered in this constitution, but in separate documents available from the relevant Council department.~~

~~15. The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Council's information service or alternatively, visit the Council's website at www.lbhf.gov.uk~~

~~*(NOTE: moved above paras 14 and 15 to Article 3, 3.1)*~~

PART 2 – ARTICLES OF THE CONSTITUTION

Article 1 – The Constitution

1. Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this constitution.

1.1 The constitution

This constitution, and all its appendices, is the constitution of the London Borough of Hammersmith and Fulham.

~~1.2 Purpose of the constitution~~

~~The purpose of the constitution is to:~~

- ~~1. enable the Council to provide clear leadership to the community in partnership with local people, businesses, the public and voluntary sectors;~~
- ~~2. support the active involvement of citizens in the process of local authority decision-making and to ensure that the Council is accessible and approachable;~~
- ~~3. help Councillors represent their constituents more effectively;~~
- ~~4. enable decisions to be taken efficiently and effectively;~~
- ~~5. create a powerful and effective means of holding decision-makers to public account;~~
- ~~6. ensure that no one will review or scrutinise a decision in which they were directly involved;~~
- ~~7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;~~
- ~~8. provide a means of improving the delivery of services to the community;~~
- ~~9. promote and maintain high standards of conduct of members and officers.~~

~~1.3 Interpretation and review of the constitution~~

Where the constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

~~The Council will monitor and evaluate the operation of the constitution as set out in [Article 15](#).~~

Article 2 – Members of the Council

2.1 Composition of the Council

The Council is made up of 50 Members, called Councillors. Two or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

2.2 Eligibility

Only registered voters of the borough or those living or working there will be eligible to hold the office of Councillor.

2.3 Election and terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years, from 2002. ~~The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.~~

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

- (eg) A person elected or appointed under the Act to fill any casual vacancy shall retire on the date on which the person whom they are replacing would have retired.
- (fh) Committees and their Chairs/Vice Chairs shall remain constituted or hold office until their successors are appointed, except in a Council election year, when they will cease to be constituted or hold office at the end of the day preceding the election.
- (g) A person shall, so long as they are, and for twelve months after they cease to be a Councillor, be disqualified from being appointed by the Council to any paid office.

2.4 Roles and functions of all Councillors

All Councillors will work constructively for real improvements in the economic, social and environmental conditions of the communities and people they represent. To this end, Councillors are expected to commit themselves to the following minimum duties and responsibilities:

Corporate responsibility

- (a) To attend Council meetings as the Council's ultimate policy makers.
- (b) In order to oversee and participate in the running of the Authority as a corporate body, to accept appointment to a minimum of one of the Council's Committees, Policy and Accountability Committees or Regulatory Committees, where eligible.
- (c) To attend briefing sessions and accept their personal responsibility to update their knowledge of departments and policy.
- (d) To agree to sit as a member of the Council's Committee or Sub-Committee to appoint or dismiss Chief Officers¹, and Licensing Sub-Committee at least twice a year or as otherwise requested to do so.
- (e) To accept a personal responsibility to take up such opportunities for training and development that may be provided by the Council in order better to carry out their duties as effective members.
- (f) All Councillors must co-operate with the Authority's Chief Executive in producing a report for the Annual Meeting of the Council (if required) recording their attendances at meetings of the Council, its Committees or Panels, or any outside organisations to which they have been appointed as the Council's representatives, or any social services rota visits made to the Council's Children's Homes and/or Homes for the Elderly.

A Chief Officer is defined as:

- 1) Head of Paid Service (Chief Executive)
- 2) Section 151 Officer (Executive Director of Finance & Corporate Services)
- 3) Executive Director of People
- 4) Director of Independent Living (DASS)
- 5) Executive Director of Place
- 6) Monitoring Officer

- (g) The Leader, Deputy Leader, Cabinet Members, Chief Whip and Deputy Whip may produce a short, written report to each Annual Meeting of the Council on the performance of their duties in the past year.
- (h) The Leader, Deputy Leader and Whip of the Opposition Group may also provide a short, written report to each Annual meeting of the Council on the performance of their duties in the previous year.
- (i) The Chairs of the Policy and Oversight Board and Policy and Accountability Committees may also provide a short, written report to each Annual Meeting of the Council on the performance of their Committees in the past year.

Constituency responsibility

- (a) To provide a regular, advertised advice service to the local community at a time, day and place that is convenient and accessible to all the community (including virtual or telephone appointments), and to deal with any problems raised by them expeditiously or, as a minimum, to advertise other appropriate arrangements to fulfil this important role.
- (b) To undertake monitoring of local services provided by the Council or any other body with the objective of obtaining the best and most effective services possible for local people.
- (c) To liaise with community groups, including tenants' and residents' associations, churches and other appropriate local organisations in the ward, representing their needs and dealing with any problems raised by them.

2.5 Chief Whip

~~The roles and responsibilities of Executive and Policy and Accountability Committee Councillors are dealt with in the respective parts of the constitution.~~ The Chief Whip occupies a central position in the smooth running of the Council, with the following specific responsibilities:

- (a) Liaison with the Leader of the Opposition on the following:
 - organising meetings
 - briefing on procedural matters
 - Full Council meetings
 - filling of vacancies
- (b) Liaison with the Chief Executive and the Strategic Leadership Team on the following:
 - decisions of the Administration Group
 - programming of meetings
 - the decision-making process
- (c) Chief Whip of the majority political group on the Council.
- (d) In consultation with the Leader, nominating Councillors to all internal bodies, including Policy and Accountability Committees, quasi-judicial bodies, Task Groups etc. in consultation with the relevant Cabinet member and Leader of the Opposition as appropriate.

- (e) Liaison with Executive members and the Leader of the Opposition in respect of filling vacancies on outside bodies as appropriate.
- (f) Keeping under review the level of support services to Councillors in undertaking their representative role, and liaising with the Executive Director of Finance & Corporate Services over variations in service.
- (g) The Deputy Chief Whip deputises for the Chief Whip in their absence.

2.6 Councillors' Rights and duties

Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

Councillors who receive information from the Council have a responsibility to deal with the information in a responsible manner. Members must be alert to whether the information is confidential. Members should not use information obtained in the course of their official duties and which is not public information, apart from for the specific purpose of fulfilling their work as a member.

Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

For these purposes, "confidential" and "exempt" information are defined in Part 4 of this constitution.

2.7 Conduct

Councillors will at all times observe the members' code of conduct and the member/officer protocol set out in Part 5 of this constitution. The Council expects its elected members to uphold the highest standards of probity and integrity. The onus of responsibility for upholding these standards rests with individual Councillors themselves.

2.8 Allowances

Councillors will be entitled to receive allowances in accordance with the members' allowances scheme set out in Part 6 of this constitution.

Article 3 – Citizens and The Council

3.1 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the access to information procedure rules in Part 4 of this constitution.

Where members of the public use specific Council services, for example as parents of a school pupil or as Council tenants, they have additional rights. These are not covered in this constitution, but in separate documents available from the relevant Council department.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Council's information service or alternatively, visit the Council's website at www.lbhf.gov.uk

3.2 Voting and Mayoral petitions

Citizens on the electoral roll for the area have the right to vote and to sign a petition to request a referendum for an elected Mayor form of constitution.

3.3 Information

Citizens have the right to:

- (a) attend meetings of the Council and its Committees, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (b) attend meetings of the Executive (Cabinet) when Key Decisions are being considered, except when Members are being briefed by officers on particular issues;
- (c) find out from the Key Decisions list what Key Decisions will be taken by the Executive and when;
- (d) make representations to the Executive that Key Decisions which it intends to take in private should instead be taken in public, and to receive a response;
- (e) have access to a wide range of information, including reports, background papers and records of Council, Executive and Committee decisions under the Freedom of Information Act 2000 and the Local Government Act 1972, subject to certain exemptions and restrictions; and
- (f) inspect the Council's accounts and make their views known to the external auditor.

3.4 Access to Information and documents

All meeting documents will be made available on the website and exempt rules will apply to exempt documents. The agenda will be published at least

five clear days before the meeting on our website or at the time when the meeting is convened if this is at shorter notice.

Background papers will be made available for public inspection via the Council's website, or at Hammersmith Town Hall during normal business hours for printing by members of the public or for supply by post as requested, on payment of postage, copying or other relevant charges.

3.5 Exclusion of Access by the Public to Meetings

Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that confidential information would be disclosed in breach of the obligation of confidence.

Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that exempt information would be disclosed provided that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The public may also be excluded from meetings where, as a result of disruption caused by them, the meeting is unable to properly discharge its functions.

The meeting will pass a resolution to exclude the public during discussion of items which are confidential or exempt. The resolution will identify why such items are to be treated as confidential or exempt in accordance with Rules 10.5 and 10.6 below.

Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure, or information which cannot be publicly disclosed by Court Order.

Meaning of Exempt Information

Exempt information means information falling within any of the 7 categories of exempt information specified below (and subject to any qualifications detailed thereon), as may be amended from time to time by regulations:

Access to Information Act - Exempt Categories of Information – Schedule 12a, Local Government Act 1972

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or proposed to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications

Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it requires to be registered under:

- (a) The Companies Act 1985,
- (b) The Friendly Societies Act 1974,
- (c) The Friendly Societies Act 1992,
- (d) The Industrial & Provident Societies Act 1965 to 1978,
- (e) The Building Societies Act 1986, or
- (f) The Charities Act 1993.

Information is not exempt information if it relates to proposed development for which the local Planning authority may grant itself Planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Information which –

- (a) falls within any of categories in 1 - 7 of paragraph 10.6 above; and
 - (b) is not prevented from being exempt by virtue of paras.10.7 or 10.8
- is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3.64 Participation

Citizens have the right to:

- (a) submit petitions to the Full Council, Cabinet, Cabinet Members, or Policy and Accountability Committees, in accordance with the petitions scheme set out in Part 4 of this constitution;
- (b) submit deputation requests to any Committee of the Council except Planning and Development Control Committee and Licensing Sub-Committee (applicants, objectors and supporters of an application have the right to speak at Planning and Development Control Committee in accordance with the Council Procedure Rules in Part 4 of this constitution;
- (c) contribute to and participate in investigations by the Council’s Policy and Accountability Committees or task groups or sub-committees, either as a co-optee or as an “expert witness”;
- (d) speak at a meeting of a Policy and Accountability Committee, at the discretion of the Chair;

3.75 Complaints

Citizens have the right to complain to:

- (a) the Council itself under its complaints scheme;
- (b) the Ombudsman after using the Council’s own complaints scheme;
- (c) the Council’s Monitoring Officer about a breach of the Councillor’s code of conduct. Complaints should be sent to the Monitoring Officer at the Town Hall.
- (d) the Information Commissioner in relation to the Freedom of Information Act 2000 and the Data Protection Act 2018.

3.86 Citizens’ responsibilities

The Council will not tolerate acts of violence, aggression or threatening behaviour towards members and it will take necessary measures to protect them. Citizens are expected to treat officers, Councillors and their fellow citizens with due respect and to observe the principles of equal opportunities in their dealings with them.

At meetings of the Council or any of its Committees or Panels, citizens must maintain orderly conduct and not disrupt the proceedings. They shall respect the Mayor’s or Chair’s decisions and obey their instructions so that the meeting can be conducted effectively and appropriately.

Article 4 – The Full Council

The Full Council is responsible for setting the budget and policy framework within which the Council must operate under an Executive form of governance (Leader and Cabinet).

Definitions

4.1 Policy Framework

The policy framework means the following plans and strategies which are currently required by law to be considered and approved by the Full Council:

- Plans or strategies for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision
- Treasury management policy
- Development plan documents
- Licensing authority policy statement

~~———The Secretary of State has the power to relax the requirements in relation to plans and strategies. Accordingly, the plans and strategies set out above shall only form part of the budget and policy framework and be approved by the Full Council to the extent required by law.~~

4.2 Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement and the control of its capital expenditure.

4.3 Housing Land Transfer

Housing land transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993.

4.4 Functions of the Full Council

Only the Full Council will exercise the following functions:

- (a) adopting and changing the constitution, including approving schemes of delegation of the non-executive functions of the Council;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer;
- (c) ~~subject to the urgency procedure contained in the access to information procedure rules in Part 4 of this constitution,~~ making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in

- accordance with the budget;
- (d) electing the Leader and removing them from office, and receiving notification of the appointment of the Deputy Leader and other Executive Members;
 - (e) agreeing and/or amending the terms of reference for committees or panels, deciding on their composition and making appointments to them for each municipal year until the next following annual meeting of the Council or until such time as the Council determines otherwise²;
 - (f) appointing representatives to outside bodies, unless the appointment is an executive function or has been delegated by the Council;
 - (g) adopting an allowances scheme under article 2.8;
 - (h) changing the name of the area, or conferring the freedom of the Borough;
 - (i) confirming the appointment of the Head of Paid Service and Monitoring Officer;
 - (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;
 - (k) all local choice functions set out in Part 3 of this constitution which the Council decides should be undertaken by itself rather than the Executive; and
 - (l) all other matters which, by law, must be reserved to Council.

4.5 Council Meetings

There are three types of Council meeting:

- the annual meeting;
- Ordinary meetings (including the budget council meeting);
- Extraordinary meetings.

and they will be conducted in accordance with the Council procedure rules in part 4 of this constitution.

4.6 Responsibility for Functions

The Council will maintain the lists in part 3 of this constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

² The Chief Executive is authorised to make in-year appointments to committees upon receipt of nominations by the Party Whips (Full Council, 17 July 2019).

Article 5 – The Mayor and Chairing the Council Meetings

5.1 The Mayor

The person presiding at meetings of the Council will be known as the Mayor of the London Borough of Hammersmith and Fulham, ~~and will be elected each year at the Annual Meeting of the Council from those members comprising the Council (Councillors). The Mayor may appoint a Deputy Mayor.~~

- a. The Mayor will be elected each year at the Annual Meeting of the Council from those members comprising the Council (Councillors).
- b. The Mayor, unless they resign or becomes disqualified, shall continue in office until their successor becomes entitled to act as Mayor.
- c. During their term of office, the Mayor shall continue to be a member of the Council notwithstanding the provisions relating to the retirement of Councillors.
- d. The election of the Mayor shall be the first business transacted at the Council's annual meeting.
- e. If, apart from paragraph (c) above, the person Chairing the Annual Meeting (during the election referred to in paragraph (d) above) would have ceased to be a Councillor they shall not be entitled to vote in the election except to exercise their casting vote.
- f. In the case of an equality of votes the Mayor shall have a casting vote in addition to any other vote they may have.

5.2 Deputy Mayor

- a. The Mayor may appoint a Councillor to be Deputy Mayor, and the person so appointed shall, unless they resign or becomes disqualified, hold office until a newly elected Mayor becomes entitled to act as Mayor (whether or not the Deputy Mayor continues until that time to be a Councillor).
- b. The Deputy Mayor shall, if for any reason the Mayor is unable to act or the office of Mayor is vacant, discharge those functions which the Mayor as such might discharge.

5.31 Role and function of the Mayor

The Mayor (and in their absence, the Deputy Mayor) will have the following roles and functions:

Ceremonial role

To represent the Council at official civic and other formal functions, and act as the focus for community representation, attending such civic and ceremonial functions as the Council and they determine appropriate.

Chairing the Council meeting

The Mayor will have the following responsibilities:

- To uphold ~~and promote the purposes of the Constitution,~~ and to interpret the constitution when necessary at Council meetings.
- To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.
- If the Mayor is absent from a meeting of the Council then the Deputy Mayor shall preside.
- If the Mayor and Deputy Mayor are both absent from a meeting of the Council, another Councillor chosen by the Councillors present shall preside.
- To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which backbench members who are not on the Executive or hold office as a Committee Chair can hold the Executive and Committee Chairs to account.
- To promote public involvement in the Council's activities.

Article 6 – Policy and Accountability Committees

6.1 Introduction

Overview and scrutiny is an important element of the Council's constitution. Overview and Scrutiny Committees, known in Hammersmith and Fulham as Policy and Accountability Committees, are overseen by the Policy and Oversight Board and together they will develop key policies for the Council on behalf of and with residents and community groups and hold the Executive to account.

This article outlines the basic elements and functions of the Policy and Oversight Board and Policy and Accountability Committees in Hammersmith and Fulham. It should be read in conjunction with the Policy and Accountability procedure rules set out in part 4 of this constitution.

~~6.2 Terms of reference~~

~~The Council will appoint a Policy and Oversight Board and Policy and Accountability Committees (PACs), as set out in Part 3 – Committee Terms of Reference, to discharge the functions conferred by section 21 of the Local Government Act 2000, and regulations under section 32 of the Local Government Act 2000 or Local Government and Public Involvement in Health Act 2007.~~

6.23 Responsibilities

The Policy and Oversight Board and PACs will have the following key responsibilities:

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

PACs will be responsible for understanding and assessing the impact of council policies, particularly the impact on vulnerable and protected groups.

When considering major cross-cutting issues that impact upon the work of more than one PAC, PACs may meet concurrently to receive evidence in a

joint session. Following such meetings, reports may be published as joint reports or as separate responses. Alternatively, for major cross-cutting issues that impact the work of more than one PAC or which require detailed attention, PACs may appoint sub-committees or task groups to examine the particular issue.

6.34 General role

The Policy and Accountability Committees will be appointed in accordance with the political proportion of the Council as a whole. Within their terms of reference, these Committees will:

- (a) review and scrutinise decisions made, or other action taken, in connection with the discharge of any of the Council's functions (Leader, Cabinet Member or Council officer);
- (b) make reports and/or recommendations to the Executive and/or the Full Council in connection with the discharge of any functions or to a member or officer exercising the relevant delegated powers;
- ~~(c) consider any matter affecting the area or its inhabitants arising from the key decisions list or otherwise;~~
- ~~(d)~~ (c) call-in, for reconsideration, decisions made but not yet implemented by the Executive and, if necessary, refer them back to the Executive or Full Council;
- ~~(e) monitor and review the outcomes of recommendations arising from scrutiny activity; and~~
- ~~(f) consider any petitions or deputations on a relevant matter, and any request for a review of the steps taken and decisions made by the Council in response to a petition, in accordance with the Policy and Accountability procedure rules in part 4 of this constitution.~~

Policy and Accountability Committees may:

- ~~(a) review and scrutinise the decisions made by and performance of the Leader, other members of the Executive and Council officers, both in relation to individual decisions and over time;~~
- ~~(b) review and scrutinise relevant aspects of the policy, services and performance of the Council, its partners, other public bodies in the area or matters which affect the authority's area or its inhabitants and, where appropriate, prepare and publish reports and recommendations;~~
- ~~(c)~~ (a) question the Leader, other members of the Executive and chief officers about matters within their portfolio, their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- ~~make recommendations to the Executive and/or the Council arising from the outcome of the scrutiny process;~~

~~(d)~~ appoint a joint Policy and Accountability Committee with one or more other local authorities and arrange for the relevant functions of those authorities to be exercised by the joint committee;

~~(b)~~

~~(e)~~~~(c)~~ require the provision of information from, and attendance before the Committee by, any such person or organisation under a statutory duty to comply with the scrutiny function and request information from, and attendance before the Committee by, any other person or organisation;

~~(f)~~~~(d)~~ make reports or recommendations to any outside body on matters within the remit of that outside body or which relate to the business or activities of that outside body and which affect the Council's area or its inhabitants; and

6.45 Scrutiny of health

With regard to the scrutiny of health (including public health), the Health and Adult Social Care Policy and Accountability Committee has the powers to:

- (a) review and scrutinise any matter relating to the planning, provision and operation of health services in the area;
- (b) make reports and/or recommendations to the local NHS bodies, the Secretary of State and the Council on any matter reviewed or scrutinised pursuant to regulations under Sections 7 and 8 of the Health and Social Care Act 2001;
- (c) make comments on any proposals consulted on by a local NHS body concerning a substantial development of the health service in the area or for a substantial variation in the provision of such service;
- (d) arrange for relevant functions in respect of health scrutiny to be exercised by an Overview and Scrutiny Committee of another local authority where the Council considers that another local authority would be better placed to undertake those relevant functions, and that local authority agrees to exercise those functions; and
- (e) appoint a joint Policy and Accountability Committee with one or more other local authorities and arrange for the relevant functions of those authorities to be exercised by the joint committee.

~~The PAC may exercise these powers in the approval of commissioned Task Group reports and recommendations.~~

— The same powers apply to the Children and Education Policy and Accountability Committee in respect of the scrutiny of health matters which relate specifically to children and young people.

6.7 Proceedings of Policy and Accountability Committees

Policy and Accountability Committees will conduct their proceedings in accordance with the Policy and Accountability procedure rules set out in part 4 of this constitution.

6.8 Policy and Accountability Committees' Powers in Relation to the Executive

When a Policy and Accountability Committee can require a report

If a Policy and Accountability Committee thinks that a Key Decision has been taken which was not:

- (a) included in the Key Decisions list; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with a relevant Policy and Accountability Committee Chair, or the Mayor, or in their absence, the Deputy Mayor, under Rule 17;

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the proper officer, who shall require such a report on behalf of the Committee when so requested by majority vote. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Policy and Accountability Committee.

Executive's report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

6.9 Policy and Accountability Committees' Access to Documents

Rights to copies

A Policy and Accountability Committee (including its sub-committees or Panels) will be entitled within 10 clear working days of making the request to copies of any document which is in the possession or control of the Executive or its Committees and which contains material relating to

- (a) any business transacted at a public or private meeting of the Executive or its Committees; or
- (b) any decision taken by an individual member of the Executive.

Limit on rights

A Policy and Accountability Committee will not be entitled to:

- (a) any document that is in draft form;

(b) any document or part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise as part of a forward programme of work; or

(c) any document containing the advice of a political adviser.

In cases where a document or part of a document is withheld from a member of a Policy and Accountability Committee for the reasons set out in (b) or (c) above, the members of the Policy and Accountability Committee will be provided with the reasons in writing.

Article 7 – The Executive (Cabinet)

The role of the Executive

7.1 Role

The Executive (commonly referred to as “the Cabinet” in Hammersmith and Fulham) will carry out all of the local authority’s functions which are not the responsibility of any other part of the local authority, whether by law or under this constitution.

7.2 Form and Composition

The Executive (Cabinet) will consist of an Executive Leader (elected by the Council) and other Councillors appointed to the Executive by the Leader, who shall be known as Cabinet Members.

7.3 Leader

The Executive Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office for a four year term, beginning at the annual Council meeting immediately following the municipal elections and ending on the day of the annual Council meeting immediately following the next succeeding municipal elections, or until:

- (a) they resign from the office; or
- (b) they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer a Councillor; or
- (d) they are removed from office as Leader by resolution of the Council.

7.4 Other Executive Members

Other Executive members (Cabinet Members) up to 9 in number shall be appointed by the Leader for a period which they shall determine, or until an Executive member:

- (a) resigns from office; or
- (b) is suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may be reappointed to office at the end of the period of suspension); or
- (c) is no longer a Councillor; or
- (d) is removed from office by the Leader.

One other Executive member shall be appointed by the Leader as their Deputy for a period of four years or until such time as they remove the Deputy from office.

7.5 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the executive procedure rules set out in part 4 of this Constitution.

7.6 Responsibility for functions

Leader

The Council will elect the Leader, who will appoint all other Executive members and Lead Members. The Leader will be responsible for ensuring that the list maintained in part 3 of this constitution, setting out which Cabinet members, committees, officers or joint arrangements are responsible for the exercise of particular executive functions, is up to date and reported to the Council as necessary and at each annual meeting.

The Leader has responsibility for the matters set out in their responsibilities and portfolio maintained in part 3 of this constitution. The Leader exercises responsibilities individually or in conjunction with designated Cabinet members as shown in part 3.

In the absence of the Leader, or if they are unable to act, their responsibilities shall be discharged by the Deputy Leader.

Cabinet Members

Cabinet members have responsibility for developing policies, setting objectives, taking decisions (either individually or collectively via Cabinet), responding to petitions made to them under the Council's petitions scheme, and monitoring Council and departmental activities, for the areas set out in their responsibilities and portfolios maintained in part 3 of this constitution. Cabinet members may appoint advisory or consultative bodies to assist them in the carrying out of their executive functions.

Article 8 – Regulatory & Quasi-Judicial Committees

8.1 Regulatory and quasi-judicial committees

The Council will appoint the regulatory committees and other bodies set out below and in Part 3 (responsibility for council functions) of this constitution to discharge the functions described therein.

- Appointments Panel (appointment and dismissal of Head of Paid Service and Chief Officers)
- Audit Committee
- Health and Wellbeing Board
- Licensing Committee
- Licensing Sub-Committee
- Pension Fund Committee
- Pensions Board
- Planning and Development Control Committee
- Standards Committee
- Wormwood Scrubs Charitable Trust Committee

Article 9 – Area Committees

9.1 Area committees

The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

NOTE: The Council does not currently have any area committees.

Article 10 – Joint Arrangements

10.1 Arrangements to promote well-being

The Council or the Executive, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

10.2 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) The Executive may only appoint Executive members to a joint committee. Those members need not reflect the political composition of the local authority as a whole.
- (d) Details of any joint arrangements, including any delegations to joint committees, will be found in the Council's scheme of delegations in Part 3 of this Constitution.

10.3 Access to information

- (a) The Access to Information Procedure Rules in Part 4 of this constitution shall apply to joint committees.
- (b) If all the members of a joint committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains members who are not on the Executive of any participating authority then the access to information rules in part VA of the Local Government Act 1972 will apply.

10.4 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Executive may delegate executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

10.5 Contracting out

The Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 11 – Officers and employees of the Council

11.1 Management structure

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

11.2 Head of Paid Service, Monitoring Officer, and Chief Finance Officer

The Council will engage persons for the following posts, who will be designated statutory chief officers. (For other chief officer posts, see part 7 of the constitution).

11.3 Chief Executive (CE) (Head of Paid Service) - Functions and areas of responsibility

- Overall Corporate management and operational responsibility, including overall management responsibility for all officers.
- ~~Provision of professional advice to all parties in the decision-making process.~~
- Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.
- Representing the Council on partnership and external bodies (as required by statute or the Council).
- ~~Management of CE's office.~~

11.4 Director, Legal Services (Monitoring Officer) - Functions and areas of responsibility

- Shall act as the authority's Monitoring Officer under the Local Government and Housing Act 1989.
- Responsibility for maintaining the Council's Constitution.
- The assessment of complaints about failure to comply with the Members' Code of Conduct and liaison with the Independent Persons.
- The lawfulness of decision-making.
- Receiving and registering Members' interests.
- To determine whether decisions of the Executive are within the agreed budget and policy framework.

11.5 Executive Director of Finance & Corporate Services (Chief Finance Officer) - Functions and areas of responsibility

- Chief Finance Officer for the authority (s.151 Officer), responsible for the provision of corporate financial advice, financial administration, stewardship, audit and financial probity.
- Management of Financial Corporate Services, including Finance, Internal Audit and Corporate Anti-Fraud.

11.6 Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at part 7 of this constitution.

~~11.7 – Functions of the Head of Paid Service~~

- ~~(a) – **Discharge of functions by the Council** – The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.~~
- ~~(b) – **Restrictions on functions** – The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.~~

~~11.8 – Functions of the Monitoring Officer:~~

- ~~(a) – **Maintaining the Constitution** – 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.~~
- ~~(b) – **Ensuring lawfulness and fairness of decision making** – 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 they consider 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.~~
- ~~(c) – **Overseeing the Council's arrangements for investigating allegations of a breach of the Members' Code of Conduct** – 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.~~
- ~~(d) – **Conducting investigations** – 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 Standards Committee.~~
- ~~(e) – **Proper officer for access to information** – 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.~~
- ~~(f) – **Providing advice** – 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.~~
- ~~(g) – **Restrictions on posts** – The Monitoring Officer cannot be the Chief Finance Officer.~~

~~(h) — **Appointment of Deputies** – The Monitoring Officer may, if unable to act, nominate a Deputy to act on their behalf.~~

~~(i) — **Overseeing compliance with the Defend Council Homes policy.**~~

~~11.9 — **Functions of the Chief Finance Officer**~~

~~(a) — **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council [or to the Executive in relation to an executive function] and to the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.~~

~~(b) — **Administration of financial affairs** – The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.~~

~~(c) — **Contributing to corporate management** – The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.~~

~~(d) — **Providing advice** – The Chief Finance 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 and to the elected Mayor, and will support and advise Councillors and Officers in their respective roles.~~

~~(e) — **Give financial information** – The Chief Finance Officer will provide financial information to the media, members of the public and the community.~~

~~(f) — **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer** – The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.~~

11.710 Scrutiny Officer

The Council will appoint a Scrutiny Officer:

- (a) to promote the role of the Council's Policy and Accountability Committees;
- (b) to provide support to the Council's Policy and Accountability Committees and the members of those committees;

- (c) to provide support and guidance to Councillors, Members of the Executive, and Officers, in relation to the functions of the Council's Policy and Accountability Committees.

The Scrutiny Officer cannot be the Head of Paid Service, the Monitoring Officer, or the Chief Finance Officer.

11.812 Conduct

Officers will comply with the Officers' Code of Conduct and the Member/Officer Protocol set out in Part 5 of this Constitution.

11.193 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

Article 12 - Decision Making

12.1 Responsibility for decision making

The Council will record and keep up to date details of who has responsibility for which decisions and make this available. This record is set out in Part 3 of this Constitution.

12.2 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

- (a) taking into account all relevant considerations and ignoring all irrelevant considerations (i.e. the ‘Wednesbury’ principle);
- (b) due and appropriate consultation, and the taking of professional advice from officers;
- (c) compliance with the European Convention on Human Rights (ECHR);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;
- (f) transparency in explaining what options were considered and giving the reasons for decisions (i.e. the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012).

12.3 Types of decision

- (a) **Decisions reserved to Full Council.** Decisions relating to the functions listed in Article 4 will be made by the Full Council and not delegated.
- (b) **Key Decisions**

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

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

In assessing whether a decision is a Key Decision, Members must consider all the circumstances of a case. However, a decision under paragraph (b)(i) will not generally be regarded as a key decision where its value is below **£300,000** or, in the case of a business case for

generating income to the Council through sale of services to non-residents where the value is less than £1,000,000.

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

12.4 Decision making by the Full Council

Subject to Article 12.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.5 Decision making by the Executive

Subject to Article 12.08, the Executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.6 Decision making by Policy and Accountability Committees

Policy and Accountability Committees will follow the Policy and Accountability Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.7 Decision making by other Committees and Sub-Committees established by the Council

Subject to Article 12.8, other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

12.8 Decision making by Council bodies acting as tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining / considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 13 - Finance, Contracts and Legal Matters

13.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the financial procedure rules set out in Part 4 of this Constitution.

13.2 Contracts

Every contract made by the Council will comply with the Contract Standing Orders set out in Part 4 of this Constitution.

13.3 Legal Proceedings

The Director, Legal Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director, Legal Services considers that such action is necessary to protect the Council's interests. For the purposes of this Article, legal proceedings includes any civil, criminal or tribunal proceedings and public inquiries, arbitrations and adjudications in which the Council is interested and has a right or obligation to participate. Counsel and or external solicitors may be instructed by the Director, Legal Services (Monitoring Officer).

13.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed or the signature will be attached electronically by the Director, Legal Services or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

All contracts shall follow the requirements set out in the Council's Contract Standing Orders (in Part 4 of the Constitution).

13.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Director, Legal Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents or attached electronically which, in the opinion of the Director, Legal Services, should be sealed. The affixing of the Common Seal will be attested by the Director, Legal Services or some other person authorised by them.

Article 14 - Review and Revision of the Constitution

14.1 Duty to monitor and review the Constitution

The Council's Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.

Protocol for monitoring and review of the Constitution by the Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1.

In undertaking this task, the Monitoring Officer may:

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with them by members, officers, the public and other relevant stakeholders;
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice;
5. consult all Councillors on their views;
6. bring suggestions and recommendations to the Cabinet or relevant Scrutiny Committee for discussion and debate.

14.2 Changes to the Constitution

- (a) **Approval:** Changes to the Constitution will only be approved by the Full Council after consideration of the proposal at its Annual or another Council meeting.

However, the Monitoring Officer in consultation with the Leader, Chief Whip and Opposition Whip may make the following changes from time to time:

- (i) to Part 3 (Responsibility for Functions) 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;
- (ii) to Article 11.1 and Part 7 (Management Structure) as may be necessary to reflect any changes made in the allocation of functions to officers;
- (iii) such changes as may be necessary to comply with or give effect to any legislative requirements;

- (iv) such other changes of an editorial nature as may seem appropriate to make the Constitution internally consistent, up-to-date and readily understandable.

Any changes made by the Monitoring Officer shall be reported to the next available Council meeting for information.

- (b) **Implementation:** Changes approved by the Council will take effect from the conclusion of the meeting at which those changes are agreed unless the recommendation specifies otherwise.
- (c) **Change from a Leader and Cabinet form of Executive to another permitted form of Executive:** The Council must seek approval to such changes by means of a local referendum.

Article 15 ~~—~~ **Suspension and, Interpretation and Publication** of the Constitution

15.1 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present at the meeting.
- (c) **Rules capable of suspension.** The following rules may be suspended in accordance with 15.01(a):
 - Council Procedure Rules
 - Contract Standing Orders

15.2 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

~~15.3 —~~ **Publication**

- ~~(a) — The Monitoring Officer will ensure that a copy of this Constitution is made available to each member of the authority on the member first being elected to the Council.~~
- ~~(b) — The Monitoring Officer will ensure that copies of the Constitution are available for inspection at Council offices, libraries and other appropriate locations, and available to members of the local press and the public.~~
- ~~(c) — The Monitoring Officer will ensure that the Constitution is updated as necessary.~~

PART 3 – RESPONSIBILITY FOR FUNCTIONS

The Executive – The Leader and Cabinet Members

Leader	Councillor Stephen Cowan
Deputy Leader (responsible for Children and Education)	Councillor Alex Sanderson
Cabinet Member for Adult Social Care and Health	Councillor Bora Kwon
Cabinet Member for Climate Change and Ecology	Councillor Wesley Harcourt
Cabinet Member for the Economy	Councillor Andrew Jones
Cabinet Member for Finance and Reform	Councillor Rowan Ree
Cabinet Member for Housing and Homelessness	Councillor Frances Umeh
Cabinet Member for Public Realm	Councillor Sharon Holder
Cabinet Member for Social Inclusion and Community Safety	Councillor Rebecca Harvey
Cabinet Member for Enterprise and Skills	Councillor Zarar Qayyum

Lead Members

Lead Member for European Co-operation and Digital Innovation	Councillor Florian Chevoppe-Verdier
Lead Member for Culture and Heritage	Councillor Mercy Umeh
Lead Member for Community Mental Health	Councillor Lucy Richardson
Lead Member for Support for Older People	Councillor Asif Siddique
Lead Member for Inclusive Community Engagement and Co-production	Councillor Sharon Holder
Lead Member for Asylum Seekers, Refugees, and Migrants	Councillor Trey Campbell-Simon
Lead Member for Women and Girls	Councillor Emma Apthorp Vacancy
Lead Member for Flood Mitigation and H&F Industrial Strategy Ambassador	Councillor Helen Rowbottom
Lead Member for Energy Crisis Support	Councillor Liz Collins
Lead Member for Wellbeing and Early Access to Support	Councillor Laura Janes
Lead Member for Land Development	Councillor Stala Antoniadis

**Lead Member for Energy and
Decarbonisation**

Councillor Ross Melton

Other appointments

**Borough Representative for the Armed
Forces Community**

Councillor Patrick Walsh

Executive Members – Generic Responsibilities and Functions

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

These roles include:

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

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

Functions

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

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

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

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

An Executive Councillor may establish an Advisory Group to advise them on policy issues.

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

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

Executive Members - Responsibilities and Portfolios

Leader of the Council

1. Introduction

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

2. Scope of Portfolio

The portfolio covers the following areas:

- 2.1 Appointing to and removing from office up to nine Cabinet Members, one of whom shall be appointed Deputy Leader, and Lead Members / Cabinet Assistants.
- 2.2 Ensuring collective deliberation with Cabinet Members.
- 2.3 Representing and acting as ambassador for the Council and providing community leadership.
- 2.4 Fostering and supporting community resilience, including the networks of residents, organisations and businesses that support this.
- 2.5 Providing leadership and responsibility for ensuring the Council's vision and its values are uppermost for the Council.
- 2.6 Overall responsibility for leading the Council's response and recovery to pandemics.
- ~~2.7 Strategic policy initiatives.~~
- ~~2.8 The provision of services in respect of electoral and other registration services.~~
- 2.79 Reports from an independent person designated to investigate allegations of misconduct against the Council's Head of Paid Service.

2.810 Appointing or nominating and where appropriate removing the Council's representatives on appropriate outside bodies, charitable organisations and Council-owned companies and subsidiaries, unless delegated to officers:-

~~2.11 The development, monitoring and implementation of the Council's Communications Strategy and the provision of information regarding the Council's services.—~~

2.912 Responsibility for ensuring that that the Council is responsive to the needs of local neighbourhoods and serves them well.

2.103 Subject to the Council's Contract Standing Orders, the Leader may (under the "strong Leader mode") take any decision likely to incur savings or expenditure of more than £300,000 if the Leader considers in all the circumstances that it is impracticable to defer the decision until the next scheduled meeting of the Executive (Cabinet). Any such decision shall be taken in compliance with the Access to Information Procedure Rules.

2.114 Ensuring the delivery of greater value services that seek to improve outcomes and customer services.

2.125 Promotion of democracy and public engagement.

3. Delegated Powers

Urgent Decisions

3.1 By virtue of section 15(9) of the Local Government Act 2000, the Leader may exercise any Executive Function which has been delegated to the Cabinet or to an individual Cabinet Member or to an Officer.

3.2 By convention, the Leader will only exercise such powers where:

- (a) Deferring the decision until the next meeting of Cabinet would carry such unreasonable risk of damage to the Council or its area that it would be unreasonable to defer the decision until the next meeting of Cabinet.
- (b) An Officer possessing a delegated power has referred the matter to the Leader for determination.
- (c) In any case, the Leader has consulted the Deputy Leader and the relevant Cabinet Member(s).

Deputy Leader

1. Scope of Portfolio

- 1.1 In the absence of the Leader, those areas assigned to the Leader, except with regard to those areas/powers specifically reserved for decision to the Council itself.
- 1.2 Representing the Council's views on matters of corporate or strategic policy and any other matters which are within these terms of reference.
- 1.3 Ensuring the Council's compliance with all relevant UK legislation.
- 1.4 Ensuring the effectiveness of the Council's procedures to secure public access to information and open government, including procedures relating to petitions, deputations and other representations.

2. Children's Services functions

- 2.1 The Deputy Leader is designated the lead member for children's services as required by section 19(1) of the Children's Act 2004 and is responsible for:
 - (a) education services - the Council's functions in its capacity as education authority, except those excluded under Section 18(3) of the Act (namely certain functions relating to education, higher education and adult education);
 - (b) social services - the Council's social services functions within the meaning of the Local Authorities Social Services Act 1970 insofar as they relate to children, and the Council's s functions in relation to children and young people leaving care;
 - (c) health services - any health-related functions exercised on behalf of a National Health Service body under Section 75 of the Health Act 2006 insofar as they relate to children; and
 - (d) inter-agency co-operation - the arrangements for the Children's Trust and safeguarding duties set out in the Children Act 2004, in particular leading and building arrangements for inter-agency co-operation.
- 2.2 The above functions incorporate:
 - (a) The Council's role as 'corporate parent', including assistance to young people up to 24 years who have been looked after 13 weeks beyond their 16th birthday, where circumstances justify.
 - (b) Fostering and adoption services.
 - (c) The Virtual School for looked after children.
 - (d) Locality Family Support Services.
 - (e) Children's Centres.

- (f) Setting the overall direction in relation to the Council's funding of, and support to, schools.
 - (g) Children's Services asset management.
 - (h) The Council's interest in nursery and 'early years' education, learning out of school hours and subsidised and unsubsidised childcare.
 - (i) Commissioning and providing services to young people with disabilities in transition to adulthood.
 - (j) Community budgeting including the Supporting Families programme (and any successor).
 - (k) Care Proceeding review.
 - (l) The development, implementation and monitoring of the Council's early years' strategy.
 - (m) Ensuring that the needs of vulnerable children (including young carers) are met.
 - (n) Partnership working with the National Health Service to promote the interests of children and their families, including decision-making on such matters at the Health and Wellbeing Board.
 - (o) As 'Young People's Champion', further the Council's commitment to the involvement of young people in decision-making processes where appropriate.
- 2.3 Responsibility for providing leadership on pandemic response and recovery for all matters within this portfolio.
- 2.4 Community transport services.
- 2.5 The implementation and monitoring of projects and services in relation to the borough's Youth Offending Service and youth justice matters.
- 3. Social Services functions**
- 3.1 Meeting the Council's statutory functions in relation to children under the Children Act 1989, NHS and Community Care Act 1990, Immigration and Asylum Act 1999 and other appropriate legislation.
- 3.2 The Council's responsibilities towards unaccompanied asylum-seeking children.
- 3.3 The Council's regulatory duties in relation to children's social services.

- 3.4 Ensuring that families with social care needs experience a 'joined-up' service.
- 3.5 Developing and monitoring service provision in respect of residential facilities provided for the care of children.
- 3.6 Responsibility for commissioning and contracting effective and efficient services across Children's Services which can achieve real outcomes for residents and service users.

4. Education functions

- 4.1 Local schools, including improving education attainment across all state funded schools and the provision of schools of choice.
- 4.2 Plans for new educational provision in the borough (including academies and free schools).
- 4.3 Schools asset management.
- 4.4 The Council's consultation arrangements with schools, governors, parents and others.
- 4.5 Special education needs (SEN) and education for the talented and gifted.
- 4.6 The Council's interest in school admission and exclusion appeals, including the making of arrangements to determine appeals.
- 4.7 The Council's relationship with services for young people offering support and career guidance
- 4.8 Links to industry and business, through education business partnerships and the Young People's Learning Agency.
- 4.9 Appointments to school governing bodies.
- 4.10 The Council's interests in wider educational provision, including provision by the independent sector.
- 4.11 The implementation of the Schools Capital investment programme.
- 4.12 The Council's responsibility for policy and operation of the Council's education transport operation.

5. Ensuring opportunities

- 5.1 The Council's relationship with services for young people offering support with entrepreneurial activity and career guidance.

- 5.2 Ensuring opportunities for all by developing economic and social opportunities for disadvantaged young people, including excluded children and care leavers.
- 5.3 Sports activities for children and young people in schools.
- 5.4 Fostering and supporting community resilience where it relates to young people, and the networks of residents, organisations and businesses that support this.
- 5.5 Youth services and its encouragement of other services to young people.
- 5.6 Determining applications for financial assistance from the Voluntary Sector and Community Organisations within the Borough that fall within this portfolio.

6 Functions shared with Cabinet Member for Climate Change and Ecology

- 6.1 Responsible for ensuring our climate education programme continues to expand across schools in the borough and for other climate initiatives in schools including decarbonising Council schools.

7. Functions shared with Cabinet Members for Economy and Enterprise and Skills

- 7.1 Adult and Community Education.

The Lead Officer(s) for this portfolio:-

Executive Director of People and their direct reports.

Cabinet Member for Adult Social Care and Health

1. Scope of Portfolio

- 1.1 The Council's policies and strategic plans relating to Adult Social Services and Supporting People Programme for specialist Housing Support.
- 1.2 Responsibility for commissioning and contracting effective and efficient services across social care which can achieve real outcomes for residents and service users.
- 1.3 Chairing the Health & Wellbeing Board.
- 1.4 Meeting the Council's statutory functions under The Care Act, NHS and Community Care Act 1990, Immigration and Asylum Act 1999, Health Act 2006 and other appropriate legislation.
- 1.5 Ensuring that the needs of vulnerable adults are met.
- 1.6 Determining applications for financial assistance for community and voluntary organisations within the borough that fall within this portfolio.
- 1.7 Developing and monitoring service provision in respect of residential facilities, provided for older people, the chronically sick, disabled people, people with learning disabilities, people affected by HIV/Aids and people with mental health needs.
- 1.8 The development of joint and partnership working, including joint commissioning of services with the NHS for the provision of social and health care.
- 1.9 The development, monitoring and implementation of the Council's strategy in respect of better government for older people and people with disabilities.
- 1.10 The development of policies and strategies to retain and enhance high quality GP, other primary, community and acute health care services, including at Charing Cross Hospital and Milson Road Health Centre.
- 1.11 To act as Lead Member for physical health and wellbeing and to work with the Lead Member for Community Mental Health.
- 1.12 Responsible for providing leadership on pandemic response and recovery for all matters within this portfolio.
- 1.13 Strategic responsibility for Co-production.

2. Public Health

- 2.1 The promotion of health education and public awareness of health issues within the borough, and implementation and monitoring of projects and services in relation to public health provision.
- 2.2 The commissioning and contracting of local authority public health services within the borough, joint commissioning with partner organisations, and monitoring that these contracts are managed effectively.
- 2.3 Consultation with the agencies and voluntary organisations concerned with public health matters in the borough and encouraging and supporting the development of such organisations.
- 2.4 The establishment of partnerships and other forms of collaborative working with the DHSC and NHS partners to develop and monitor joint programmes and other projects and services relating to public health provision and education within the borough.
- 2.5 The development, monitoring and implementation of drug and alcohol policies.

3. Functions shared with the Deputy Leader

- 3.1 Determining applications for financial assistance from the Voluntary Sector and Community Organisations within the Borough that fall within this portfolio.

The Lead Officer(s) for this portfolio:-

Executive Director of People and their direct reports.

Cabinet Member for Climate Change and Ecology

Scope of portfolio

1. Environment functions

- 1.1 The preparation and consideration of environmental improvement schemes including responsibility for policies relating to the Council's value 'rising to the challenge of climate and ecological emergency'.

2. Climate Change

- 2.1 Responsibility for the implementation of the Council's Climate and Ecology Strategy to achieve net zero carbon by 2030.
- 2.2 Delivery of our Clean Air Strategy including the expansion of our air monitoring network.
- 2.3 Lead for the promotion and development of renewable energy initiatives on council-owned and managed properties as well as the wider borough.
- 2.4 Delivery of retrofitting and improvement programme to make council homes more energy efficient and help cut heating bills.
- 2.5 Responsible for ensuring our climate education programme continues to expand across schools in the borough and for other climate initiatives in schools including decarbonising council schools.
- 2.6 Ensuring the highest possible planning and design standards are used to ensure that all new major developments in the borough are net zero as a minimum.
- 2.7 Responsibility for the development of the 'Library of Things' work to share commonly used equipment.

3. Ecology

- 3.1 Responsible for the implementation of the Council's Climate and Ecology Strategy in parks and green spaces.
- 3.2 Development and implementation of a biodiversity action plan for the borough, building on the work of the biodiversity commission.
- 3.3 Responsible for the borough's Tree Strategy; increasing the number of tiny forests, promoting rewilding and encouraging natural habitats and increasing the number of street trees.

4. Functions Shared with Cabinet Member for Public Realm:

4.1 Direct input and shared agreement on following areas with Cabinet Member for Public Realm, ensuring they advance the Council's climate and biodiversity strategies:

- Parking policy
- Strategic transport planning, including EV charging
- Measures to improve air quality
- Management of parks and green spaces
- Refuse collection
- Waste disposal
- Recycling
- Food waste and composting
- Street cleansing
- Fly-tipping sewerage
- Sewerage, flood mitigation, and sSsustainable drainage systems (SuDS)

The Lead Officer(s) for this portfolio:-

Executive Director of Place and their direct reports.

Cabinet Member for the Economy

1. Scope of portfolio

- 1.1 Responsibility for ensuring that the Council's value 'Building Shared Prosperity' is uppermost in all Council regeneration and economic proposals.
- 1.2 Responsibility for the renewal and regeneration of the borough especially its most deprived parts.
- 1.3 Responsibility for providing leadership on the economic aspects of pandemic response and recovery.
- 1.4 Developing policies and programmes to eradicate physical, economic and social deprivation.
- 1.5 The development, monitoring and implementation of the Council's regeneration strategy and associated bidding processes.
- 1.6 The development, monitoring and implementation of the Council's strategic policy and operational matters relating to the European Union and the development of world class economic linkages particularly for the White City Innovation District.
- 1.7 Compulsory purchase of land for planning purposes.
- 1.8 Development of strategies in relation to the future of the West Kensington and Gibbs Green estates and the surrounding regeneration area.
- 1.9 The development and implementation of the Authority's planning policies
- 1.10 Development of housing policy to support the building of new homes which will act as a catalyst for regeneration.
- 1.11 Responsibility for managing the Council's corporate property services: Facilities Management, Asset Management. This includes direct oversight of the council's commercial and administrative property portfolios. These functions also support wider Council departments with the management of their portfolios.
- 1.12 Determining annual allocations in respect of the Housing Capital Programme in respect of the Housing development programme.
- 1.13 Delivery of the Civic Campus programme.
- 1.14 In the absence of the Leader and Deputy Leader, to take urgent decisions except with regard to those areas/powers specifically reserved for decisions to the Council itself.

2. Planning, building control, and gambling

- 2.1 Oversight of planning regulations for new developments.
- 2.2 The Authority's powers and duties under all relevant legislation pertaining to building control.
- 2.3 The inclusion of buildings in the List of Buildings of Special Architectural or Historic Interest.
- 2.4 The exercise of the Authority's functions under Part II of the London Buildings Act (Amendment) Act 1939 in relation to the naming and numbering of streets and buildings.
- 2.5 Development of the gambling policies.

3. Functions shared with the Cabinet Member for Enterprise and Skills:

- 3.1 Oversight and development of the Council's licensing policy.
- 3.2 To champion the development of local businesses and to promote business start-ups.
- 3.3 To work with West London, London, and National structures to support local businesses.
- 3.4 To remove barriers that small firms may face when attempting to secure Council contracts.
- 3.5 Monitoring the local employment situation and developing and implementing appropriate action in relation to the encouragement, promotion and development of employment training opportunities and services.
- 3.6 Establishing and maintaining effective working partnerships with local businesses in pursuance of the Council's Industrial Strategy, including for the White City Innovation District.
- 3.7 The promotion of employment, economic development, training, work experience, and other forms of support which the Council can target to meet the needs of unemployed people within the borough.
- 3.8 The development, monitoring and implementation of the Council's responses to Government initiatives and programmes in respect of unemployed people in the borough.
- 3.9 Promotion of an entrepreneurial culture in schools, colleges and promoting tomorrow's entrepreneur.
- 3.10 Ensuring the Council acts as a responsible corporate citizen towards small businesses.

4. Functions shared with the Cabinet Member for Climate Change and Ecology

- 4.1 Ensuring the highest possible planning and design standards are used to ensure that all new major developments in the borough are net zero as a minimum.

5. Functions shared with the Cabinet Member for Finance and Reform

- 5.1 To oversee the allocation of Section 106 and Community Infrastructure Levy monies to projects, ensuring that this is consistent with their prescribed uses, the community's interests and the Council's priorities.

6. Working with the Cabinet Member for Public Realm

- 6.1 On Arts, culture, heritage and tourism matters for the benefit of residents and visitors alike.

7. Functions shared with Deputy Leader and Cabinet Members for Enterprise and Skills

- 7.1 Adult and Community Education.

8. Functions shared with the Cabinet Member for Finance and Reform

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

The Lead Officer(s) for this portfolio:-

Executive Director of Place and their direct reports.

Cabinet Member for Finance and Reform

1. Scope of portfolio

Finance

- 1.1 The Council's capital and revenue budgets, including the HRA, the medium-term financial strategy, annual proposals on the Council Tax base, Council Tax levels and budget allocations between departments.
- 1.2 Responsibility for the monitoring of revenue and capital budgets and ensuring there are robust financial management systems.
- 1.3 Responsibility for providing leadership on pandemic response and recovery for all matters within this portfolio.
- 1.4 Responsibility for Pension Fund management.
- 1.5 Responsibility for Treasury Management.
- 1.6 Probity and financial monitoring.
- 1.7 Preparation of annual accounts.
- 1.8 Responsibility for the Council's Corporate Procurement Strategy and the implementation of the National Procurement Strategy.
- 1.9 Responsibility for procurement in accordance with the Council's social and economic value procurement policy.
- 1.10 Responsibility for Information Technology.
- 1.11 The strategic implementation of the Council's Digital Strategy, Information Management and Information Technology Strategy and the achievement of the Government's targets for electronic service delivery.
- 1.12 Responsibility for the monitoring and effective delivery of corporate Shared Services and other joint working initiatives.
- 1.13 Representing the Council's views on strategic policies related to corporate Shared Services.
- 1.14 Responsibility for Council's contract processes, including approval of changes to the Council's Contracts Standing Orders and Approved List of Contractors, ensuring services are in compliance with procurement legislation.
- 1.15 Ensuring that the Council's procurement of goods and services delivers added local value for residents, the third sector and local businesses.

- 1.16 Responsibility for overall contract management arrangements.
- 1.17 Responsibility for the billing and collection of council tax and business rates and the administration housing benefit, council tax support and other benefits administered by the Council.
- 1.18 Developing strategies and practices that improve the Council's ability to procure locally sourced, value for money goods and services.

2. Commercial Revenue Generation

- 2.1 Responsibility for working across the Council to maximise new sources of income generation from the commercial sector.
- 2.2 Generating new revenue and practices that do not entail raising new charges and fines that target residents or local businesses.
- 2.3 Agreeing and monitoring annual revenue generation targets.

3. Reform functions

- 3.1 To drive reform and a modernisation programme across the organisation in line with the Vision, Business Plan and strategies so that the outcomes our residents receive are higher quality, better value and continuously improve and fit a modern organisation.
- 3.2 To drive an enabling corporate centre to support efficiencies, fundamental systems reform, assurance, business intelligence and the development and effective operation of the Council's major programmes and projects. To lead improvements in organisational culture and behaviours, to disrupt the status quo, and build new alliances with organisations across the public, private and third sector to achieve the objectives set out in 3.1.
- 3.3 To implement strategies that help our teams have better capabilities, and work practices so that Hammersmith & Fulham stands out as the best, most effective council anywhere.

4. Improving the Council's Ability to Deliver High Quality Services and Manage People

- 4.1 Responsibility for providing leadership on pandemic response and recovery for all matters within this portfolio.
- 4.2 Responsibility for oversight of all the Council's management structures, behaviours, and work practices with the aim of developing a culture of continuous improvement.
- 4.3 Developing, monitoring and implementing strategies to optimise the Council's management and work practices.

- 4.4 Identifying weak or failing services and working with officers to lead and support improvements.
- 4.5 Challenging and promoting the development of talent schemes; to grow our own talent, becoming more efficient as an organisation; and driving down the need for agency spend and recruitment overheads.
- 4.6 Implementing the use of incentives and other mechanisms for recording excellence.
- 4.7 Responsibility for oversight all human resources policies including:
- Systemic change programmes
 - Reward and remuneration
 - Employee relations
 - Resourcing and recruitment
 - Employee engagement and development
 - Organisation development
 - Organisation design and establishment
 - Wellbeing
- 4.8 Working across the council to develop effective strategies that improve all the Council's internal communications.

5. Elections

- 5.1 The provision of services in respect of electoral and other registration services.

6. Legal Services

- 6.1 The provision of legal services to the Council.

1 Communications and resident insight

- 1.1 Working across the Council to develop effective strategies that improve all the Council's communications.
- 1.2 Ensuring customer satisfaction and clear communication is seen as central to everything everyone working at the Council says and does, ensuring all staff and contractors are better equipped to listen to, understand and respond to the concerns of residents and that all written communication meets set standards.
- 1.3 The Council's customer care and complaints policies. Ensuring that complaints are managed in an effective and timely fashion and that complaints are treated as an opportunity to learn and improve.
- 1.4 Policy and operational matters in relation to the Council's Resident Experience and Access programme to provide high quality telephone, internet and face to face access to a range of services from time to time.

- 1.5 Ensuring excellent resident access including Contact Centre and Resident Experience and Access Programme.
- 1.6 To continually improve residents' access to and experience of Council services by developing strategy, infrastructure, processes and culture around resident contacts.
- 1.7 Responsibility for connecting the Council's continuous improvement and cultural change agenda with residents and communities – so that the voice of residents helps to lead reform.

2 Armed Forces

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

3 Member Development and enquiries

- 3.1 Advising on Councillors' training and development needs in relation to their representative roles, and liaison officers in respect of appropriate provision.
- 3.2 Informing Councillors of appropriate conferences and seminars, and making arrangements for them to attend such events.
- 3.3 Overseeing the effective operation and improvement of the councillor and MP enquiry service

10. Functions shared with the Cabinet Member for Housing and Homelessness

- 10.1 For the purposes of estimate preparation, monitoring and control and staffing/industrial relations issues, the Cabinet Member for Finance & Reform is responsible for all non-housing budgets and (in conjunction with the Cabinet Member for Housing and Homelessness) for all housing budgets.
- 10.2 Ensuring, in consultation with the relevant Cabinet Member, that adequate performance and quality is obtained from all Council contracts let, and on those services provided by the Council, that services are delivered to ensure client and resident satisfaction.

11. Functions shared with the Cabinet Member for [the](#) Economy

Part 3 – Responsibility for Functions

- 11.1 Developing strategies and practices that improve the Council's ability to procure locally sourced, value for money goods and services
- 11.2 To oversee the allocation of Section 106 and Community Infrastructure Levy monies to projects, ensuring that this is consistent with their prescribed uses, the community's interests and the Council's priorities.

The Lead Officer(s) for this portfolio:-

Executive Director of Finance & Corporate Services and their direct reports.

Cabinet Member for Housing and Homelessness

1. Scope of portfolio

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

2. Functions shared with the Cabinet Member for [the](#) Economy

2.1 Compulsory purchase of land for housing purposes.

3. Functions shared with the Cabinet Member for Social Inclusion and Community Safety

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

3.2 Responsibility for anti-social behaviour on Housing land.

4. Functions shared with the Cabinet Member for the Public Realm and The Cabinet Member for Social Inclusion and Community Safety

4.1 To ensure that Law Enforcement Team tackles anti-social behaviour.

5. Functions shared with the Cabinet Member for Finance and Reform

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

6. Functions shared with the Cabinet Member for Climate Change and Ecology

6.1 Delivery of retrofitting and improvement programme to make council homes more energy efficient and help cut heating bills.

The Lead Officer(s) for this portfolio:-

Executive Director of Finance & Corporate Services and their direct reports.

Executive Director of Place and their direct reports.

Cabinet Member for Public Realm

Scope of portfolio

1. Transport, Highways and Parking

- 1.1 Consult widely with residents and local businesses and work with them to expand schemes which improve air quality by reducing traffic, congestion and pollution.
- 1.2 Continue to expand the availability of Electric Vehicle (EV) charging points.
- 1.3 The maintenance and management of the Borough's roads, river walls, draw docks, all subways, bridges including Hammersmith Bridge, and other civil engineering structures.
- 1.4 The Council's local Transport Plan and Borough Spending Plan.
- 1.5 Strategic transport planning, including links with the Local Plan, Industrial Strategy and related documents and processes.
- 1.6 Parking policy implementation and enforcement.
- 1.7 Promote cycling, including increase cycle storage and safe cycle paths.
- 1.8 20mph speed limit and delivery drivers' code of conduct.
- 1.9 Responsibility for providing leadership on pandemic response and recovery for all matters within this portfolio.
- 1.10 High streets including pop-up meanwhile spaces.
- 1.11 Policy and operational matters in relation to libraries, hiring of civic halls and facilities.

2. Bereavement Services

- 2.1 Policy and service implementation in respect of mortuary, burial, cremation and Coroner services.

3. Borough development

- 3.1 Working closely with residents and community groups to encourage developers to build beautiful buildings that meet the needs of the community and are in keeping with the character of the neighbourhoods they would be in.
- 3.2 Developing our neighbourhoods for the future.
- 3.3 Street property taskforce.

- 3.4 A4 fly-under and the redesign of central Hammersmith, with new genuinely affordable homes, affordable office space and a more attractive town centre for all residents, including cultural corridor from Civic Campus to Olympia.

4. Culture, Heritage, Sports, Arts and Tourism

- 4.1 To formulate and implement policies likely to promote the development preservation and enhancement of culture, heritage and tourism within the borough for the benefit of residents and visitors alike.
- 4.2 The Council's Culture, Heritage, Arts and Tourism policies/strategies.
- 4.3 To promote and assist the provision of good quality theatre, museum and other cultural facilities within the borough
- 4.4 The Council's sports strategy.
- 4.5 Provision and support of community centres

5. Shared with Climate Change and Ecology:

- 5.1 Agree the following policy areas, in conjunction with the Cabinet Member for Climate Change and Ecology, to ensure that the services enhance the borough's public realm.
- Parking policy
 - Strategic transport planning, including EV charging
 - Measures to improve air quality
 - Management of parks and green spaces
 - Refuse collection
 - Waste disposal
 - Recycling
 - Food waste and composting
 - Street cleansing
 - Fly-tipping
 - Sewerage, [flood mitigation](#), and sustainable drainage systems (SuDS)

The Lead Officer(s) for this portfolio:-

Executive Director of Place and their direct reports.

Cabinet Member for Social Inclusion and Community Safety

1. Social Inclusion

- 1.1 The development and implementation of the Council's Third Sector strategy, including the promotion of social enterprises that promote community development.
- 1.2 Developing and leading approaches to ensure that all residents have increasing access to opportunity across the social, cultural, political and economic life of the borough.
- 1.3 Delivering community and cultural events that promote social inclusion and community cohesion.
- 1.4 Developing strategic approaches to reduce inequalities around health, education and employment outcomes, access to services, participation in civic life and ensuring compliance with all legal equalities duties.
- 1.5 Developing strategic policies and actions to reduce poverty and social injustice.
- 1.6 The development and implementation of strategies to address the threat of extremism, including the Prevent Strategy and strategic member oversight of the Prevent Channel panel.
- 1.7 Developing approaches to ensure that all residents have increasing access to opportunity across the social, cultural, political, and economic life of the borough.
- 1.8 Ensuring the Council's discussions with residents lead to policy development which reflects and is informed by genuine local concerns in line with the Council's commitment to doing things with residents rather than to them.
- 1.9 In consultation with the relevant portfolio holder, the planning, implementation and review of public consultation and community engagement initiatives relating to strategic, borough-wide issues and the impact of the Council's representation on external organisations.
- 1.10 Oversight of Resident Engagement Boards.
- 1.11 Recruit more volunteers and empower residents to undertake actions in their neighbourhood that will further their community's safety, wellbeing and pursuit of happiness.
- 1.12 Strengthen links with other municipalities around the world, particularly with our closest neighbouring liberal democracies in Europe.

- 1.13 Intelligently strengthen community resilience, working with mutual aid groups, residents' associations, amenity groups, Non-Governmental Organisations (NGOs), resident commissions, community services such as our food banks and local businesses.
- 1.14 Encouraging community activities including art, socials, gardening, sport and Neighbourhood Watches.
- 1.15 Support for and promotion of community and other events.
- 1.16 Determining applications and the approval of grants and loans to firms, community and voluntary organisations, charities and trusts for the purposes of economic development (excluding children and education) within the borough.

2. Community Safety

- 2.1 The development, monitoring and implementation of the Council's policies and powers in relation to reducing crime and anti-social behaviour.
- 2.2 The development, monitoring and implementation of the Authority's element of the borough Crime and Disorder Reduction Strategy in conjunction with Police and other agencies.
- 2.3 Responsibility for ensuring the Local Enforcement Team performs well and work alongside the Metropolitan Police.
- 2.4 Responsibility for ensuring the effective running and establishment of Neighbourhood Watch Groups in the borough, working in partnership with the Metropolitan Police.
- 2.5 Policy and strategy for the Community Safety division.
- 2.6 Working with all agencies to ensure enforcement services are effective in reducing crime and anti-social behaviour including:
 - All forms of criminal behaviour;
 - Litter;
 - "Clean Sweep" - Tackling "Grot Spots";
 - Dog fouling;
 - Graffiti;
 - Street drinking; and
 - Street scene enforcement.
- 2.7 Taking action to reduce fear of crime.

3. Refugees

- 3.1 Ensure unaccompanied child refugees, refugees and asylum seekers have access to services and their needs are taken into account when developing Council policies as a compassionate council.

- 3.2 Take pride in Hammersmith & Fulham, and work in a joined-up way – making connections between unaccompanied child refugees, refugees and asylum seekers, charities, local community groups and residents; and work towards becoming a borough of sanctuary.
- 3.3 Seek to improve the lives of unaccompanied child refugees, refugees and asylum seekers in areas including: social inclusion, housing, well-being, education and career development, and reduce poverty and social injustice.
- 3.4 Review and monitor the Council's achievements in resettling vulnerable refugee families through the Syria, Afghan, & Ukraine Resettlement Programs; and the care provided by Children's Services to unaccompanied child asylum seekers and child refugees, and other programs of support.

4. Street Scene functions

- 4.1 Enforcement in respect of licensing, consumer protection, trading standards, street trading, environmental health and public safety, corporate health and safety, pest control, food safety and contaminated land.
- 4.2 The issuing of notices and enforcement requirements as set out in the Environmental Protection Act.
- 4.3 Enforcement of the Council's licensing and gambling policies
- 4.4 The exercise of duties of the Council with respect to Emergency Planning and business continuity services.

5. Functions shared with the Cabinet Member for the Public Realm, Cabinet Member for Social Inclusion and Community Safety, and Cabinet Member for Housing and Homelessness

- 5.1 To ensure that Law Enforcement Team tackles anti-social behaviour.

6. Functions shared with the Deputy Leader

- 6.1 The implementation and monitoring of projects and services in relation to the borough's Youth Offending Service, Gangs Unit and youth justice matters.
- 6.2 Youth services and its encouragement of other services to young people.
- 6.3 Sports activities for children and young people.
- 6.4 Determining applications for financial assistance from the Voluntary Sector and Community Organisations within the Borough that fall within the portfolio.

7. Function shared with the Cabinet Member for Housing and Homelessness

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

7.2 Responsibility for anti-social behaviour on Housing land.

8. Functions shared with the Cabinet Member for Adult Social Care and Health

8.1 The development, monitoring and implementation of drug and alcohol policies.

9. Functions shared with the Cabinet Member for Finance and Reform

9.1 Ensuring resident and business satisfaction is measured and improved, including encouraging and rewarding staff ideas for improving resident satisfaction.

10. Function shared with the Cabinet Member for Public Realm and the Cabinet Member for Housing and Homelessness

10.1 To ensure that the Law Enforcement Team tackles anti-social behaviour.

The Lead Officer(s) for this portfolio:-

Executive Director of Place and their direct reports.

Executive Director of People and their direct reports.

Cabinet Member for Enterprise and Skills

1. Introduction

- 1.1 The Cabinet Member for Enterprise and Skills champions business sector and will ensure businesses in Hammersmith & Fulham have a strong voice. They will drive skills development to ensure residents benefit from economic growth in the borough.

2. Scope of Portfolio

- 2.1 To Chair the H&F Enterprise Board, convening businesses to develop policies to make H&F the best place in Britain to do business.
- 2.2 Develop and oversee policies that encourage entrepreneurialism.
- 2.3 Deliver skills development to ensure H&F residents have access to the best jobs.
- 2.4 Develop, lead and mentor business support schemes.
- 2.5 Ensure the H&F procurement strategy prioritises local businesses.
- 2.6 Lead pitches to attract anchor businesses and institutions in line with H&F's industrial strategy.
- 2.7 Act as lead member for Upstream.

3. Functions shared with the Cabinet Member for the Economy:

- 3.1 To champion the development of local businesses and to promote business start-ups.
- 3.2 To work with West London, London, and National structures to support local businesses.
- 3.3 To remove barriers that small firms may face when attempting to secure Council contracts.
- 3.4 Monitoring the local employment situation and developing and implementing appropriate action in relation to the encouragement, promotion and development of employment training opportunities and services.
- 3.5 Establishing and maintaining effective working partnerships with local businesses in pursuance of the Council's Industrial Strategy, including for the White City Innovation District.
- 3.6 The promotion of employment, economic development, training, work experience, and other forms of support which the Council can target to meet the needs of unemployed people within the borough.

- 3.7 The development, monitoring and implementation of the Council's responses to Government initiatives and programmes in respect of unemployed people in the borough.
 - 3.8 Promotion of an entrepreneurial culture in schools, colleges and promoting tomorrow's entrepreneur.
 - 3.9 Ensuring the Council acts as a responsible corporate citizen towards small businesses.
 - 3.10 Oversight and development of the Council's licensing policy.
- 4. Functions shared with Deputy Leader and Cabinet Members for the Economy**
- 4.1 Adult Education

The Lead Officer(s) for this portfolio:-

Executive Director of Place and their direct reports.

Lead Members

H&F Industrial Strategy Ambassador

Reporting to the Cabinet Member for the Economy and the Leader, the postholder will:

- Act with the Leader and Cabinet Member to implement the science, technology, engineering, maths, medicines and media (STEMMM) inclusive industrial strategy across the Borough.
- Strengthen the council's role as an 'entrepreneurial municipal government' and work with partners in the 'triple helix' model that is at the heart of H&F's strategy.
- Act across council departments to ensure local residents and businesses have pathways that share the benefits of the huge economic growth being generated in future industries in H&F.
- Ensure that the vast investment and technological advances now being developed in H&F in a diverse range of technologies such as A.I., Green Tech and life sciences directly benefit the borough and help to modernise the council.

Lead Member for European Co-operation and Digital Innovation

This post holder will work directly with the Cabinet Members for Social Inclusion and Community Safety, the Economy, and Finance and Reform to:

- Strengthen our links with other municipalities around the world and particularly with our closest neighbouring liberal democracies in Europe.
- Develop and implement initiatives to ensure residents and businesses from the European Union continue to feel welcome in the Borough and are supported to navigate any obstacles caused by the UK's exit from the European Union.
- Twin with global innovation districts.
- Identify opportunities for the council to use innovative digital technologies to improve services to residents and support the borough's industrial strategy.

Lead Member for Culture and Heritage

This post holder will work directly to the Cabinet Member for the Public Realm to:-

- Develop an improved arts and culture programme which adds to the quality of life for everyone who lives in Hammersmith & Fulham.
- Work to ensure our local arts and culture fully reflects the diversity of the borough.

Lead Member for Community Mental Health

This post holder will work directly to the Cabinet Member for Adult Social Care and Health and ensure that people with specialist mental health, learning disabilities and autism get the high-quality support they need from the council and NHS, other public bodies operating in the borough and local businesses.

Work with the Cabinet Member for Adult Social Care and Health to tackle the mental health crisis triggered by the Covid-19 pandemic including manifesto commitments for counselling in schools, mental health gardens, wellbeing hubs and family and paediatric hubs.

Lead Member for Support for Older People

This post holder will work directly to the Cabinet Member for Adult Social Care and Health and acts as the Older People's Champion, as recommended by H&F's independent Older People's Commission. They will be responsible for helping make H&F the best place to grow older.

Lead Member for Inclusive Community Engagement and Co-Production

This post holder will work directly to the Cabinet Member for Adult Social Care and Health with some crossover with the Cabinet Member for Social Inclusion and Community Safety.

Work to expand co-production with Disabled resident and other across all council departments and services and ensure staff are properly trained in genuine co-production.

Encourage and support the third sector to co-produce their services.

Input into the co-production of a new, post-pandemic Third Sector Strategy.

Lead Member for Asylum Seekers, Refugees, and Migrants

Reporting to the Cabinet Member for Social Inclusion and Community Safety, the post holder will:

- Ensure refugees, migrants, asylum seekers and unaccompanied child refugees have access to services and their needs are taken into account – making connections between the council, charities, local community groups and residents.
- Review and monitor the Council's achievements in resettling vulnerable refugee families.
- Act as a public champion for migrants, refugees, asylum seekers and unaccompanied child refugees interests in the borough.
- Support the development of policy to improve the wellbeing of and support for migrants, asylum seekers, and child refugees.

Lead Member for Women and Girls

Reporting to the Cabinet Member for Social Inclusion and Community Safety, this post holder will input on policies and plans in the council to ensure that women and girls feel safe in the borough and have equal access to all services and opportunities in the borough.

Lead Member for Flood Mitigation

~~Reporting to the Cabinet Member for Public Realm and the Cabinet Member for Climate Change, this post holder will input on policies and plans in the council to ensure that the Council maximises its response to flood mitigation in the borough and promote sustainable drainage across the Council's assets owners and decision makers.~~

Lead Member for Energy Crisis Support

The postholder will be working with the Cabinet Member for Social Inclusion and Community Safety:

- Overseeing the provision of warm hubs to residents
- Reviewing residents' access to energy
- Partnership working with organisations supporting vulnerable residents suffering from significant cost of living pressures.

Lead Member for Wellbeing and Early Access to Support

Reporting to the Cabinet Member for Health and Adult Social Care and the Cabinet Member for Finance and Reform the post holder will:

- Promote an enhanced focus on wellbeing in communication with adult

- residents.
- Promote knowledge of and early access to support services within the borough.

Lead Member for Land Development

Reporting to the Cabinet Member for the Economy and the Cabinet Member for the Public Realm, the post holder will:

- Promote the development, monitoring and implementation of the Council's regeneration strategy.
- Work closely with residents and community groups to encourage developers to build beautiful buildings that meet the needs of the community and are in keeping with the character of the neighbourhoods they would be in.

Lead Member for Energy and Decarbonisation

Working with the Cabinet Member for Climate Change and Ecology, Cabinet Member for Finance and Reform and the Cabinet Member for Housing and Homelessness, the postholder will:

- Promote local renewable energy generation, working to identify capital investments for renewable energy, including solar generation on council-owned buildings.
- Reduce energy bills for council tenants, working to support the installation of enhanced insulation and energy efficiency technologies and the promotion of smart energy tariffs within council homes.

Borough Representative for the Armed Forces Community

This post-holder will work directly with the Cabinet Member for Finance and Reform to:

- Improve the lives of armed forces personnel and their families. Support and assist the Royal British Legion and other voluntary organisations in recognising the work and sacrifice of armed forces personnel defending the UK, its interests and way of life.
- Promote remembrance and commemorative events.

Committee Terms of Reference

Urgent Sub-Committee of the Cabinet Terms of Reference

Members

3 Members of the Cabinet notified to the Chief Executive by the Leader of the Council or in his/her absence the Deputy Leader of the Council

Quorum

3 members of the Cabinet

1. Membership

- 1.1 The Leader will Chair the Committee. In the absence of the Leader or Deputy Leader, the members present shall elect a Chair for the meeting from among the members then present, who shall have the second or casting vote. If the Chair subsequently attends the meeting, the person then in the Chair shall vacate it.

2. Voting

- 2.1 All Councillors on the Committee shall have voting rights. In the event of an equality of votes, the Chair of the Committee shall have a second casting vote.

3. Procedures

- 3.1 Except as provided herein, Council Procedure Rules (as applicable to all Committees) shall apply in all other respects to the conduct of the Committee.
- 3.2 Meetings of the Committee shall be held in public, subject to the provisions for considering exempt items in accordance with sections 100A-D of the Local Government Act 1972 (as amended).

4. Meetings

- 4.1 Meetings will be convened at the request of the Chief Executive as required during the Municipal Year.

5. Responsibilities

- 5.1 All matters, within the terms of reference of the Cabinet, which the Urgency Committee of the Cabinet is satisfied are Urgent and cannot wait for a decision by the Cabinet at its next scheduled meeting.
- 5.2 To make a recommendation direct to the Council on any urgent matters which by statute or under the Council's executive arrangements must be determined by full Council.

Planning and Development Control Committee

Terms of Reference

Members

8 voting councillors
There shall be no ex-officio members

Quorum

4 members of the Committee

Political proportionality

6 Administration members
2 Opposition members

Co-opted Members

None

1. Membership

- 1.1 Only Councillors who have undertaken appropriate training can participate on this Committee.

2. Decision-making Powers

- 2.1 To exercise non-executive powers of the Council in its capacity as local planning authority, including those non-executive functions referred to in the following paragraphs.
- 2.2 To determine applications for planning permission and exercise the other non-executive powers within Part III of the Town and Country Planning Act 1990 ("the Act") and subordinate and associated legislation.
- 2.3 To authorise the Chief Planning Officer to determine planning applications which have been considered by the Committee in circumstances where the Committee's intention has been clearly stated, but where the Committee has instructed that further work is to be undertaken before the application is determined, and to authorise officers to enter into agreements under section 106 of the Act.
- 2.4 To authorise officers to enter into agreements under Section 16 of the Greater London Council (General Powers) Act 1974, sections 278 and 38 of the Highways Act 1980 and any other sections of the Highways Act 1980 where required in connection with a planning application
- 2.5 To determine applications for certificates of lawful use or development referred to in Part VII of the Act.
- 2.6 To determine applications for advertisement consent made under Part VIII of the Act and the Town and Country Planning (Control of Advertisement) Regulations 1992.
- 2.7 To enforce development control under Part VII of the Act including the power to authorise service of enforcement notices, breach of condition notices and stop notices, the application for injunctions and the carrying out of subsequent and incidental action to secure compliance with the Council's requirements as local planning authority.

- 2.8 To determine applications by the Council for planning permission and other consents under the Act and the Town and Country Planning (General Regulations) 1992.
- 2.9 To exercise the powers of the Council under Part VIII of the Act in relation to trees and proper maintenance of land, and under regulations made under this part of the Act, including the making of tree preservation orders, and authorising the service of notices to require the proper maintenance of land which adversely affects the amenity of the neighbourhood.
- 2.10 To exercise the non-executive powers of the Council as local planning authority in relation to listed buildings and conservation areas under the Planning (Listed Buildings and Conservation Areas) Act 1990 and subordinate and associated legislation.

Licensing Committee

Terms of Reference

Members

12 voting councillors
There shall be no ex-officio members

Quorum

6 members of the Committee

Political proportionality

9 Administration members
3 Opposition members

Co-opted Members

None

1. Sub-Committees

- 1.1 The Committee may establish Sub-Committees comprising 3 members drawn from the parent Committee, and may delegate any, or all, of its functions to such Sub-Committees or to an Officer, subject to any statutory restrictions.

2. Statutory status

- 2.1 The Licensing Committee is constituted as Licensing Committee under s6 of the Licensing Act 2003 in respect of licensing and related functions under that Act, and as an ordinary committee under s101 of the Local Government Act 1972 in respect of its licensing, regulatory and registration functions.

3. Operational Matters

- 3.1. In the event of an equality of votes, the Chair of the Committee shall have a second or casting vote.
- 3.2. A member may consider any matter affecting their Ward, or in which they (or their spouse/partner) has a personal interest (but not a prejudicial interest), provided the interest is disclosed in the usual manner in line with the provisions of the Members' Code of Conduct (This provision takes over the administrative arrangements set out in paragraph 23.4 of the Council's Statement of Licensing Policy, January 2011, revised July 2012).
- 3.3. Ward Councillors may attend meetings where permitted under the Code of Conduct to make representations on behalf of their constituents.
- 3.4. Meetings will take place during the Municipal Year on dates and times as notified and as required.

4. Decision-Making Powers

- 4.1. All matters relating to the discharge of the Council's licensing and related functions under the Licensing Act 2003, (other than the adoption of the Licensing Policy, which shall be a matter for Full Council), shall be discharged by the Licensing Committee.

- 4.2. The Committee (or any Sub-Committee established for the purpose) shall consider all matters relating to the discharge by the licensing authority of its licensing and related functions under the Licensing Act 2003, with a view to promoting the four licensing objectives:
- The prevention of crime & disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 4.3. The Committee (or any Sub-Committee) shall have regard to the Statement of Licensing Policy published by the licensing authority, and to any Guidance issued by the Secretary of State.
- 4.4. To consider and resolve all other matters relating to the licensing, certification and registration functions of the Council undertaken by the Director of Environmental Health.
- 4.5. To hear appeals against decisions made by officers carrying out delegated functions in respect of the matters set out in paragraph 3.4.
- 4.6. To hear and determine all applications for full or partial waivers of the rule of Management No. 1A (for small establishments) or 3a (for large establishments) relating to striptease/activity which could require a Sex Establishment licence if the Council has so resolved.
- 4.7. To make regulations prescribing standard conditions to be attached to street licences, to revoke, to refuse to grant, to refuse to renew and to make or vary the conditions attached to a street trading licence.
- 4.8. To designate streets as prohibited or licence streets.

Licensing Sub-Committee

Terms of Reference

Members

3 voting councillors, drawn from the membership of the Licensing Committee.
There shall be no ex-officio members.

Quorum

2 members of the Sub-Committee

Political proportionality

(Where applicable)

2 Administration members
1 Opposition member

Co-opted Members

None

1. Statutory status

- 1.1 The Licensing Committee is constituted as Licensing Committee under s6 of the Licensing Act 2003 in respect of licensing and related functions under that Act, and as an ordinary committee under s101 of the Local Government Act 1972 in respect of its licensing, regulatory and registration functions

2. Operational Matters

- 2.1. In the event of an equality of votes, the Chair of the Sub-Committee shall have a second or casting vote.
- 2.2. A member may consider any matter affecting their Ward, or in which they (or their spouse/partner) have a personal interest (but not a prejudicial interest), provided the interest is disclosed in the usual manner in line with the provisions of the Members' Code of Conduct. (This provision takes precedence over the relevant arrangements set out in paragraph 23.4 of the Council's Statement of Licensing Policy, January 2011, and revised July 2012).
- 2.3. Ward Councillors may attend meetings where permitted under the Code of Conduct to make representations as interested parties themselves, or on behalf of their constituents, where permitted by the relevant legislation.
- 2.4. Meetings will take place during the Municipal Year on dates and times as notified and as required.

3. Decision-Making Powers

- 3.1. All matters relating to the discharge of the Council's licensing and related functions under the Licensing Act 2003, (other than the adoption of the Licensing Policy, which shall be a matter for Full Council).

- 3.2. The Sub-Committee shall consider all matters relating to the discharge by the licensing authority of its licensing and related functions under the Licensing Act 2003, with a view to promoting the four licensing objectives:
 - The prevention of crime & disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.3. The Sub-Committee shall have regard to the Statement of Licensing Policy published by the licensing authority, and to any Guidance issued by the Secretary of State.
- 3.4. To consider and resolve all other matters relating to the Licensing, Certification and Registration functions of the Council (i.e. matters other than those under the Licensing Act 2003).
- 3.5. To hear appeals against decisions made by officers carrying out delegated functions in respect of the matters set out in paragraph 3.4.
- 3.6. To hear and determine all applications for full or partial waivers of the Rules of Management No. 1A (for small establishments) or 3a (for large establishments) relating to striptease/activity which could require a Sex Establishment licence if the Council has so resolved.
- 3.7. To make regulations prescribing standard conditions to be attached to street licences, to revoke, to refuse to grant, to refuse to renew and to make or vary the conditions attached to a street trading licence.
- 3.8. To designate streets as prohibited or licence streets, where the determination of the matter could not wait until the subsequent meeting of the Licensing Committee.

Appointments Panel

Terms of Reference

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

Membership (5 – 4:1)

- Leader of the Council
- 3 members of the Executive (Cabinet)
- Leader of the Opposition

Quorum: 3

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

Membership (5 – 4:1)

- 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)
- Another Cabinet Member
- Leader of the Opposition or a named substitute

Quorum: 3

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&B)

- 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*.
- Interim appointments do not require an Appointments Panel.

Roles for Appointment

The roles covered by the Chief Officers Appointment Panel are:

- 1) Head of Paid Service (Chief Executive)
- 2) Section 151 Officer (Executive Director of Finance & Corporate Services)
- 3) Executive Director of People
- 4) Director of Independent Living (DASS)
- 5) Executive Director of Place
- 6) Monitoring Officer

**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 Assistant Director, People and Talent in consultation with Head of Paid Service (Chief Executive), the Leader of the Council, and the Cabinet Member covering the area of appointment.

PANEL C – Statutory and Non-Statutory Chief Officers Employment Panel

Terms of Reference

Membership - 5

The panel is comprised of:

- Leader of the Council or Deputy Leader of the Council
- Cabinet Member for Finance
- Two 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).
- One Opposition Member
- 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 when 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*

- 1) Head of Paid Service (Chief Executive)
- 2) Section 151 Officer (Executive Director of Finance & Corporate Services)
- 3) Executive Director of People
- 4) Director of Independent Living (DASS)
- 5) Executive Director of Place

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

- 1) Head of Paid Service (Chief Executive)

Roles covered by the panel for suspension, investigation and disciplinary

- 1) Section 151 Officer (Executive Director of Finance & Corporate Services)
- 2) Monitoring Officer (Director Legal Services)

Roles covered by the panel for investigation and disciplinary

- 1) Executive Director of People
- 2) Director of Independent Living (DASS)
- 3) Executive Director of Place

**(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 Assistant Director, People and Talent.

Panel D – Statutory and Non-Statutory Chief Officers Employment Appeals Panel – Terms of Reference

Membership – 3

The 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*

- 1) Executive Director of People
- 2) ~~Strategic~~ Director of Independent Living (DASS)
- 3) ~~Strategic-Executive~~ Director of Place

*(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 Assistant Director, People and Talent.

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

Audit Committee Terms of Reference

Members

56 voting councillors

Political proportionality

34 Administration members

12 Opposition members

1 Independent member

Quorum

3 Members of the Committee

Co-opted Members

The Committee may co-opt non-voting independent members as appropriate

1. Membership

- 1.1 The Chair will be drawn from one of the Administration Councillors; the Vice-Chair will be an Opposition Councillor.
- 1.2 The Committee may co-opt non-voting independent members as appropriate.
- 1.3 The Committee may ask the Director of Audit, Fraud, Risk and Insurance, a representative of External Audit, the Risk Management Consultant, and any other official of the organisation to attend any of its meetings to assist it with its discussions on any particular matter.

2. Voting

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

3. Procedures

- 3.1 Except as provided herein, Council Procedure Rules (as applicable to all Committees) shall apply in all other respects to the conduct of the Committee.
- 3.2 Meetings of the Committee shall be held in public, subject to the provisions for considering exempt items in accordance with sections 100A-D of the Local Government Act 1972 (as amended).

4. Meetings

- 4.1 The Audit Committee will meet at least four times a year.
- 4.2 Meetings will generally take place in the spring, summer, autumn, and winter. The Chair of the Committee may convene additional meetings as necessary.
- 4.3 The Chief Executive may ask the Committee to convene further meetings to discuss particular issues on which the Committee's advice is sought.

5. Reporting

- 5.1. The Audit Committee will formally report back in writing to the full Council at least annually.

6. Responsibilities

- 6.1. The Audit Committee will advise the Executive on:
- the strategic processes for risk, control and governance and the Statement on Internal Control;
 - the accounting policies and the annual accounts of the organisation, including the process for review of the accounts prior to submission for audit, levels of error identified, and management's letter of representation to the external auditors;
 - the planned activity and results of both internal and external audit;
 - the adequacy of management responses to issues identified by audit activity, including the external auditor's annual letter
 - the Chief Internal Auditor's annual assurance report and the annual report of the External Auditors.
 - assurances relating to the corporate governance requirements for the organisation;
 - (where appropriate) proposals for tendering for either Internal or External Audit services or for purchase of non-audit services from contractors who provide audit services.
- 6.2. The Committee's responsibilities in relation to the annual accounts will include:
- to approve the Council's Statement of Accounts, in accordance with the deadlines set out in the Accounts and Audit Regulations 2015;
 - acting as the Approval of Accounts Committee;
 - to consider any report as necessary from the External Auditor under ISA (UK) 200 (Revised June 2016);
 - to re-approve the Council's Statement of Accounts following any amendments arising from the external audit, in accordance with the deadlines set out in the Accounts & Audit Regulations 2015.
- 6.3. The Committee's responsibilities in relation to risk management will encompass the oversight of all risk analysis and risk assessment, risk response, and risk monitoring. This includes:
- the establishment of risk management across the organisation, including partnerships;
 - awareness of the Council's risk appetite and tolerance;
 - reviewing the risk portfolio (including IT risks);
 - being appraised of the most significant risks;
 - determining whether management's response to risk and changes in risk are appropriate.

- 6.5. The Council has nominated the Committee to be responsible for the effective scrutiny of the Treasury Management Strategy and policies.
- 6.6. The Council has nominated the Committee to be responsible for the effective scrutiny of anti-fraud arrangements and activities.

Standards Committee

Terms of Reference

Members

6 voting Councillors

Quorum

3 Members of the Committee

Political proportionality

5 Administration members

1 Opposition members

Co-optees

3 voting Independent Persons are invited to attend

1. Membership

- 1.1 The Chair will be elected at the first meeting of the Committee and should be chosen from the Independent Persons in attendance. In the absence of any Independent Persons, the members present shall elect a Chair for the meeting from among the members then present, who shall have the second or casting vote. If the Chair subsequently attends the meeting, the person then in the Chair shall vacate it.

2. Voting

- 2.1 All members on the Committee shall have voting rights. In the event of an equality of votes, the Chair of the Committee shall have a second casting vote.

3. Procedures

- 3.1 Except as provided herein, Council Procedure Rules (as applicable to all Committees) shall apply in all other respects to the conduct of the Committee.
- 3.2 Meetings of the Committee shall be held in public, subject to the provisions for considering exempt items in accordance with sections 100A-D of the Local Government Act 1972 (as amended).

4. Meetings

- 4.1 Meetings will be convened at the request of the Monitoring Officer as required during the Municipal Year.

5. Responsibilities

- 5.1 To promote and maintain high standards of conduct by the Members and Co-opted Members of the Council and church and parent governor representatives.
- 5.2 To assist Members, Co-opted Members and church and parent governor representatives to observe the Members' Code of Conduct.
- 5.3 To advise the Council on the adoption or revision of the Members' Code of Conduct.

- 5.4 To monitor the operation of the Members' Code of Conduct.
- 5.5 To advise and recommend training for Councillors, and co-opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct.
- 5.6 To periodically review the "arrangements" under Section 28 of the Localism Act 2011 under which allegations that a Member or co-opted Member of the Council, or of a Committee or Committee of the Council has failed to comply with the Council's Code of Conduct are considered, investigated and determined.
- 5.7 To consider reports referred to the Committee by the Monitoring Officer of investigations into alleged breaches of the Council's Code of Conduct for Members.
- 5.8 To discharge all the Council's functions under Section 28 of the Localism Act 2011 in relation to considering, investigating and making a decision on allegations that a Member or co-opted Member of the Council, or of a Committee or Committee of the Council, has failed to comply with the Code of Conduct.
- 5.9 To hear an appeal where a Member is dissatisfied with the decision in respect of a complaint against them.
- 5.10 To consider any applications for dispensations from Councillors and co-opted members to allow them to participate in decisions.
- 5.11 To consider any complaints in respect of Members referred to the Committee under the Council's "Whistleblowing" procedure and determining the action to be taken, if any.
- 5.12 To consider, advise and, if appropriate, take action upon other Member conduct issues not otherwise dealt with under these terms of reference.

Standards (Complaints) Sub-Committee

Terms of Reference

Members

3 voting Councillors drawn from the membership of the Standards Committee

Quorum

3 Members of the Sub-Committee

Political proportionality

2 Administration members
1 Opposition member

Co-opted Members

None

1. Constitution

- 1.1 Under Section 28 of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a Member or co-opted Member of the Council, or of a Committee or Committee of the Council, has failed to comply with Code of Conduct.
- 1.2 The Standards (Complaints) Sub-Committee is established by the Standards Committee to consider, investigate and make decisions on such allegations.

2. Meetings

- 2.1 Meetings will be convened at the request of the Monitoring Officer as required during the Municipal Year to enable the Council to discharge its obligations.

3. Voting

- 3.1 All members of the sub-committee have voting rights. In the event of an equality of votes the Chair shall have the casting vote.

4. Chair

- 4.1 The Chair shall be elected by the Members present.

5. Procedures

- 4.2 Council Standing Orders (as applicable to Committees) shall apply at meetings of the sub-committee. In the event of a conflict between these procedures and any guidance or law, then the latter will prevail.

6. Terms of Reference

- 6.1 To discharge all the Council’s functions under Section 28 of the Localism Act 2011 in relation to considering, investigating and making a decision on allegations that a Member or co-opted Member of the Council, or of a Committee or Committee of the Council, has failed to comply with Code of Conduct.

Standards (Appeals) Sub-Committee

Terms of Reference

Members

3 voting Councillors drawn from the membership of the Standards Committee

Quorum

3 Members of the Sub-Committee

The Sub-Committee will comprise a different membership from the Sub-Committee which originally made the decision.

Political proportionality

2 Administration members
1 Opposition member

Co-opted Members

None

1. Constitution

- 1.1 The Standards (Appeals) Sub-Committee is established by the Standards Committee to consider any appeals by Members against the decision of the Standards (Complaint) Sub-Committee where the Member is dissatisfied with the decision of that Sub-Committee in respect of a complaint against them.
- 1.2 Meetings will be convened at the request of the Monitoring Officer as required during the Municipal Year to enable the Council to discharge its obligations.

2. Deliberations

- 2.1 The Sub-Committee in considering the appeal will undertake a review of the existing evidence, correspondence and witness statements. It will not recall witnesses nor take additional evidence.
- 2.2 At the end of its deliberations, the sub-committee will either endorse the previous decision, or conclude that there is no breach and dismiss the complaint.

3. Voting

- 3.1 All members of the sub-committee have voting rights. In the event of an equality of votes the Chair shall have the casting vote.

4. Chair

- 4.1 The Chair shall be elected by the Members present.

5 Procedures

- 5.1 Council Standing Orders (as applicable to Committees) shall apply at meetings of the sub-committee. In the event of a conflict between these procedures and any guidance or law then the latter will prevail.

6. Terms of Reference

- 6.1 To hear an appeal where a Member is dissatisfied with the decision of the Standards (Complaints) Sub-Committee in respect of a complaint against them.
- 6.2 To endorse the previous decision of the Standards (Complaints) Sub-Committee, or to conclude that there is no breach and dismiss the complaint.

Pension Fund Committee

Terms of Reference

Members

5 voting Councillors

Quorum

3 Members of the Committee

Political proportionality

4 Administration members

1 Opposition member

Co-opted Members

The Committee may co-opt non-voting independent members, including employee representatives and non-administering authority members, as appropriate

The Chair of the Pensions Board will be a non-voting observer

1. Membership

1.1 The Chair will be drawn from one of the Administration Councillors; the Vice-Chair will be an Opposition Councillor.

1.3 The Committee may co-opt non-voting members, including employee representatives and non-administering authority members, as appropriate.

2. Voting

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

3. Procedures

3.1 Except as provided herein, Council Standing Orders (as applicable to Committees) shall apply at meetings of the Committee. In the event of a conflict between these procedures and any guidance or law then the latter will prevail.

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

4. Meetings

4.1 The Pension Fund Committee will meet at least four times a year.

4.2 The Chair of the Committee may convene additional meetings as necessary.

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

5. Reporting

- 5.1 The Pension Fund Committee will formally report back in writing to the full Council at least annually.

6. Responsibilities

- 6.1 To exercise on behalf of the Council all of the powers and duties of the Council in relation to its functions as Administering Authority of the London Borough of Hammersmith and Fulham Pension Fund. This includes but is not limited to the following matters:
- a) Reviewing and approving the statutory policies of the Fund including the Governance Compliance Statement, Funding Strategy Statement, Investment Strategy Statement, Pension Administration Strategy, Communications Strategy.
 - b) To determine the arrangements for the appointment of the Fund Actuary, Investment Consultant and any other Advisor that it may be determined appropriate to appoint.
 - c) To agree an annual Internal Audit Plan in respect of the Pension Fund which will include, at least, an annual assurance review of the Pensions Administration service.
 - d) To regularly receive and review a comprehensive Risk Register relating to the activities of the Pension Fund.
 - e) To agree the Business Plan and Annual Budget of the Fund.
 - f) To agree the Pension Fund Annual Report and Financial Statements.
 - g) To determine, approve and regularly monitor the arrangements relating to the provision of all matters relating to Pensions Administration functions and the provision of a Pensions Administration Service to the Pension Fund.
 - h) To receive regular performance monitoring reports, in such form as it determines, in respect of the Pensions Administration Service.
 - i) To review and approve a Reporting Breaches of the Law procedure for the Pension Fund and to regularly receive the Breaches Log.
 - j) To make and review an Admission Policy in relating to the admission of Employers to the Fund and be responsible for determining the admission of Employers to the Fund.
 - k) To agree the investment strategy and strategic asset allocation having regard to the advice of the Investment Consultant.
 - l) To determine the Fund management arrangements, including the appointment and termination of the appointment of Fund Managers.
 - m) To monitor the performance of the Pension Funds appointed Fund Managers.
 - n) To determine the relationship of the Pension Fund with the London

Collective Investment Vehicle and to monitor its activity and performance.

- o) To determine the arrangements for the provision of Additional Voluntary Contributions for Fund members.
- p) To ensure that the Covenants of Employers are thoroughly assessed as required and at least during every Triennial Actuarial Valuation.
- q) To receive, from the Fund Actuary, Actuarial Valuations of the Fund.
- r) To consider and determine a response to any advisory Recommendation received from the Pensions Board.
- s) To receive and consider the External Auditors Annual Plan and Annual Report on the Pension Fund.
- t) To ensure compliance with all relevant statutes, regulations, government guidance and other codes and best practice as applicable to the Local Government Pension Scheme.
- u) To determine such other policies that may be required so as to comply with the requirements of Government or bodies acting on behalf of Government.
- v) To ensure all members of the Committee undertake appropriate, and ongoing, training to fulfil their responsibilities.

Pensions Board Terms of Reference

Members

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

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

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

Quorum

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

Role of the Local Pensions Board

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

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

Membership

Chair of the Board

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

Substitute Members

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

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

Periods of Office

Each Board Member shall be appointed for a fixed period of four years.

Termination

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

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

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

Board Meetings

Frequency of meetings

The Board shall as a minimum meet twice a year, and where possible, should aim to do so four weeks before the Pension Fund Committee meets. Meetings shall take place at a time and place agreed by the Pensions Board on an annual basis.

Voting Rights

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

Notice and Circulation of Papers

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

Minutes

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

Secretariat Service

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

Role of Advisers

Access to Council advisers

The Board may request that one of the Council's advisers attends a Board meeting to provide advice or information to the Board. The request should be submitted to the Monitoring Officer.

Appointment of advisers specifically for the Board

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

Budget and Expenses

Budget

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

Expenses

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

Additional policies relating to the Board Operations:

Code of Conduct

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

Conflict of Interests

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

Knowledge and Understanding

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

Reporting

Annual report on activity

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

Reporting Recommendations

If the Pensions Board determines that it wishes to make recommendations to the Pension Fund Committee, such recommendations should be reported to the next meeting of the Pension Fund Committee. The Pension Fund Committee's response to the recommendation will be reported to the next meeting of the Pensions Board.

Health and Wellbeing Board Constitution and Terms of Reference

Members

The Board shall comprise 9 voting members as follows:

- The Cabinet Member for Adult Social Care and Health
- The Deputy Leader (with responsibility for Children and Education)
- The Chair and 2 representatives of the ~~H&F Clinical Commissioning Group~~ NHS North West London Integrated Care Board (ICB)
- A Local Healthwatch representative
- The Executive Director of People
- The Director of ~~Independent Living Adult Social Care~~ (DASS)
- The Director of Public Health

Each nominating body will nominate a primary representative and a deputy, both of whom will be permanent appointments. The deputy will have the authority to make decisions in the event that the Board member is unable to attend a meeting.

Quorum

Four voting members, including one Councillor

Co-opted Members

The Board may appoint additional persons to the Board

1. Constitution

- 1.1 The Health and Social Care Act 2012 requires that every relevant local authority establishes a Health and Wellbeing Board (HWB). The Act establishes and treats Health and Wellbeing Boards as though they are Committees appointed by the Council in accordance with the Local Government Act 1972.
- 1.2 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 disapply certain provisions of local government law from HWBs. This enables non-Councillor members to vote alongside the Councillor members unless the Council directs otherwise and disapplies the requirement to impose a political balance in relation to seats on the Board.

2. Voting

- 2.1 The Board will seek to work by consensus. Where consensus cannot be reached, all members of the Board have voting rights unless the Council (following consultation with the Board) decides otherwise. In the event of an equality of votes the Chair shall have the casting vote.

3. Chair

- 3.1 The Chair shall be appointed by the Full Council. Members shall elect a Vice-Chair from among the Board's membership.

4. Procedures

- 4.1 The Board will meet at least 4 times during each municipal year.
- 4.2 Council Standing Orders (as applicable to Committees) shall apply at meetings of the Board. In the event of a conflict between these procedures and any guidance or law then the latter will prevail.

5. Terms of Reference

- 5.1 In accordance with the statutory duties and powers given to the HWB by the Health and Social Care Act 2012, the terms of reference of the Board are as follows:
- a) To provide organisational leadership by agreeing the vision and strategic priorities for health and wellbeing in Hammersmith & Fulham, as part of the Joint Health & Wellbeing Strategy.
 - b) To ensure commissioning decisions are based on clear evidence for improving outcomes and integrating services.
 - c) To drive the development and implementation of the Joint Health & Wellbeing Strategy (JHWS) and take joint action to facilitate progress.
 - d) To oversee the development and use of the Joint Strategic Needs Assessment (JSNA) by the Council and ~~H&F Clinical Commissioning Group~~ the NHS North West London Integrated Care Board (ICB).
 - e) To oversee the development and maintenance of the Pharmaceutical Needs Assessment (PNA).
 - f) To ensure effective public and patient engagement and involvement in the development and provision of health and wellbeing services.

Wormwood Scrubs Charitable Trust Committee Constitution and Terms of Reference

Members

3 voting Councillors

Quorum

2 Members of the Committee

Political proportionality

2 Administration members

1 Opposition member

Co-opted Members:

The Committee may co-opt non-voting independent members as appropriate

1. Constitution

- 1.1 The Wormwood Scrubs Charitable Trust Committee has been constituted by the Council to discharge the Council's role as Corporate Trustee for the Wormwood Scrubs Charitable Trust.

2. Membership

- 2.1 The membership will be three Councillors and any co-opted members the Committee appoints.

3. Voting

- 3.1 In the event of an equality of votes the Chair shall have the casting vote.

4. Decision Making Powers

- 4.1 To discharge the Council's role as Corporate Trustee for the Wormwood Scrubs Charitable Trust, in line with Charities Commission guidance.
- 4.2 To agree the Trust's annual budget and business plan.
- 4.3 To make any decisions regarding income or expenditure on behalf of the Trust
- 4.4 Should a decision be required in the period between Committee meetings, the Director or Assistant Director responsible for Wormwood Scrubs is authorised to make any decision with a financial consequence of up to £20,000.
- 4.5 As an appointed Agent of the Trust, the Chair of the Committee is authorised to make any decision with a financial consequence of between £20,000 and £100,000.
- 4.6 Decisions with a financial impact in excess of £100,000 can only be taken by the Committee.
- 4.7 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.
- 4.8 To agree the Trust's annual accounts.

- 4.9 To receive and respond to the audit findings relating to the annual accounts.
- 4.10 To receive reports on the effective day to day management and financial performance of the Trust.
- 4.11 To allow interested parties to give their view on the performance and direction of the Trust.

Policy and Oversight Board Terms of Reference

Members:

8 voting Councillors

Quorum:

3 Members of the [Committee Board](#)

Political proportionality:

7 Administration Members

1 Opposition Member

Principal Functions

All the powers of an Overview and Scrutiny Committee as set out in section 21 of the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007, and in particular:

- The coordination, and development of the Council's Policy and Scrutiny function and the monitoring of its performance.
- To develop policy and make recommendations to the Cabinet.
- Monitor the administration and spending of Council services.
- To review the impact of decisions and policies implemented by the Council.
- Scrutinising the relevant Cabinet Member(s).

Scope:

- Creation and monitoring of new policy development via the Policy and Accountability Committees (PACs).
- Consideration and approval of requests for Task and Finish Groups by the PACs
- Considering the corporate budget.
- Development of long-term savings plans within the Medium-Term Financial Strategy.
- Oversight of finance and use of resources.
- Performance management (including external assessment of the Authority and its services).
- Managed and shared services and other joint working with outside bodies.
- Electoral and other registration services.
- The Council's communication strategy.
- Procurement and management of IT services.
- The development, implementation and operation of the governance, structure and processes in respect of joint working with other authorities, save for matters within specific service areas which fall within the remit of the PACs.
- Research, innovation, and the Council's continuous improvement and cultural change agenda.
- All human resources and organisation development functions.
- The Council's customer care and complaints services.
- Corporate Programmes and assurance.
- Other major cross-cutting functions of the Council.

Children and Education Policy and Accountability Committee

Terms of Reference

Members

5 voting Councillors

Political proportionality

4 Administration Members

1 Opposition Member

Quorum

3 Members of the Committee

Co-opted Members

Statutory with voting rights on education matters

2 Parent Governor representatives

2 Diocesan representatives

Non-statutory without voting rights

1 teacher representative

Up to 2 additional co-opted members

Principal Functions

All the powers of an Overview and Scrutiny Committee as set out in section 21 of the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007.

- To develop policy within the scope of the Committee and make recommendations to the Cabinet
- Monitor the administration and spending in services within its scope
- To review the impact of decisions and policies implemented by the Council
- Lead responsibility for scrutinising the relevant Cabinet Members(s).

Scope

- The education of children and young people in the borough
- The authority's functions in its capacity as education authority
- Services for children and young people with special educational needs and disabilities
- The authority's social services functions as they relate to children
- Safeguarding
- Child protection
- Children in care
- Children and young people leaving care
- The education and children's services budgets including social care
- Any other matter allocated by the Policy and Oversight Board.

Climate Change and Ecology Policy and Accountability Committee

Terms of Reference

Members:

5 voting Councillors

Quorum:

3 Members of the Committee

Political proportionality:

4 Administration Members

1 Opposition Member

Co-opted Members:

Up to 5 non-voting members

Principal Functions

All the powers of an Overview and Scrutiny Committee as set out in section 21 of the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007 and Sustainable Communities Act 2007, which provides the principal statutory powers by means of which local authorities are currently engaged directly in helping to tackle climate change.

- To discharge of functions contained in s.9FH of Schedule 2 to the Localism Act 2011 to review and scrutinise the exercise by flood risk management authorities of flood risk management functions which may affect the local authority's area
- To develop policy within the scope of the Committee and make recommendations to the Cabinet
- Monitor the administration and spending in services within its scope
- To review the impact of decisions and policies implemented by the Council
- Lead responsibility for scrutinising the relevant Cabinet Member(s)

Scope:

- Climate Change and the response to the Climate Emergency
- Transport, including roads maintenance, other transport infrastructure
- Parking policy, traffic management and the relationship with TfL
- Planning policy and performance and the impact of developments on transport infrastructure and the environment
- Recycling and environmental sustainability
- Waste-disposal, refuse collection, and street cleansing
- Ecology and Biodiversity
- Any other matter allocated by the Policy and Oversight Board.

Note: Planning decisions cannot be scrutinised

Health and Adult Social Care Policy and Accountability Committee

Terms of Reference

Members

5 voting Councillors

Quorum

3 Members of the Committee

Political proportionality

4 Administration Members

1 Opposition Member

Co-opted Members

Up to 5 non-voting members

Principal Functions

All the powers of an Overview and Scrutiny Committee as set out in section 21 of the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007, in particular:

- To discharge functions under the Health and Social Care Act 2001.
- To discharge any functions under the National Health Service Act 2006 and any subsequent regulations.
- To discharge any functions under the Health and Social Care Act 2012 and any subsequent regulations.
- To develop policy within the scope of the Committee and make recommendations to the Cabinet.
- Monitor the administration and spending in services within its scope.
- To review the impact of decisions and policies implemented by the Council.
- Lead responsibility for scrutinising the relevant Cabinet Members(s).

Scope:

- Health of both children and adults (including public health).
- The provision, maintenance and improvement of primary and acute NHS services in the borough.
- The provision of mental health services in the borough.
- Adult social care services in the borough, including the exercise of statutory responsibilities in relation to the scrutiny of health as set out in Article 6 and also the voluntary and community sector.
- Health and Adult Social Care commissioning services.
- Any other matter allocated by the Policy and Oversight Board.

Housing and Homelessness Policy and Accountability Committee

Terms of Reference

Members

5 voting Councillors

Quorum

3 Members of the Committee

Political proportionality

4 Administration Members

1 Opposition Member

Co-opted Members

Up to 5 non-voting members

Principal Functions

All the powers of an Overview and Scrutiny Committee as set out in section 21 of the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007.

- To develop policy within the scope of the Committee and make recommendations to the Cabinet
- Monitor the administration and spending in services within its scope
- To review the impact of decisions and policies implemented by the Council
- Lead responsibility for scrutinising the relevant Cabinet Members(s).

Scope

To monitor the policy, administration and spending of all aspects of:

- Housing (including privately owned, council, housing association, sheltered and supported housing)
- Provision of homes for local residents
- Tackling and reducing homelessness
- Any other matter allocated by the Policy and Oversight Board.

Social Inclusion and Community Safety Policy and Accountability Committee Terms of Reference

Members:

5 voting Councillors

Quorum:

3 Members of the Committee

Political proportionality:

4 Administration Members

1 Opposition Member

Co-opted Members:

Up to 5 non-voting members

Principal Functions

All the powers of an Overview and Scrutiny Committee as set out in section 21 of the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007.

- To discharge of the functions and responsibilities of a Crime and Disorder Committee in accordance with section 19 of the Police and Justice Act 2006 and regulations made under section 20 of the Act.
- To improve the terms of participation in society, particularly for people who are disadvantaged, through enhancing opportunities, access to resources, voice and respect for rights.
- To develop policy within the scope of the Committee and make recommendations to the Cabinet
- Monitor the administration and spending in services within its scope
- To review the impact of decisions and policies implemented by the Council
- Lead responsibility for scrutinising the relevant Cabinet Member(s)

Scope:

- Improving Social Inclusion
- Enhancing the quality of life of residents
- Community safety and tackling anti-social behaviour
- Licensing and gambling.
- Neighbourhood governance
- Community engagement, consultation and empowerment activities
- The Council's equalities and diversity programmes and support for vulnerable groups.
- The Council's Voluntary Sector strategy
- Increasing access to opportunity in all aspects of social and economic life in the borough
- Other policies and initiatives supporting social inclusion in the borough
- Any other matter allocated by the Policy and Oversight Board.

The Economy, Arts, Sports, and Public Realm Policy and Accountability Committee Terms of Reference

Members

5 voting Councillors

Quorum

3 Members of the Committee

Political proportionality

4 Administration Members

1 Opposition Member

Co-opted Members

Up to 5 non-voting members

Principal Functions

All the powers of an Overview and Scrutiny Committee as set out in section 21 of the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007.

- To develop policy within the scope of the Committee and make recommendations to the Cabinet
- Monitor the administration and spending in services within its scope
- To review the impact of decisions and policies implemented by the Council
- Lead responsibility for scrutinising the relevant Cabinet Members(s).

Scope

To monitor the policy, administration and spending of all aspects of:

- The local economy
- Support for local businesses and high streets, including the ability of local businesses and the voluntary and community sector to procure from the Council and the Council's suppliers
- Local employment opportunities
- Public sports facilities
- Regeneration and renewal of deprived areas
- Arts and cultural services
- Adult education
- Libraries
- The local environment, parks and open spaces
- Street Scene
- Cemeteries
- Enhancing the quality of life of residents
- Any other matter allocated by the Policy and Oversight Board.

West London Economic Prosperity Board
Joint Committee of the Boroughs of Barnet, Brent, Ealing,
Hammersmith & Fulham, Harrow, and Hounslow

Functions and Procedure Rules

1. Purpose of the Joint Committee

- 1.1 The London Boroughs of Barnet, Brent, Ealing, Hammersmith and Fulham, Harrow and Hounslow (“the Participating Boroughs”) have established the Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000, and under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 1.2 The Joint Committee shall be known as ‘West London Economic Prosperity Board.’
- 1.3 The Joint Committee’s role and purpose on behalf of the Participating Boroughs relates to ensuring appropriate, effective and formal governance is in place for the purposes of delivering the West London Vision for Growth and advancing Participating Boroughs’ aspirations for greater economic prosperity in West London, including promoting “the Economic Prosperity Agenda”, in partnership with employers, representatives from regional and central government, and education and skills providers.
- 1.4 The purpose of the Joint Committee will be collaboration and mutual co-operation and the fact that some functions will be discharged jointly by way of the Joint Committee does not prohibit any of the Participating Boroughs from promoting economic wellbeing in their own areas independently from the Joint Committee.
- 1.5 The Joint Committee is not a self-standing legal entity but is part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the Joint Committee must be made by all of the Participating Boroughs.
- 1.6 These Procedure Rules govern the conduct of meetings of the Joint Committee.

2. Definitions

- 2.1 Any reference to “Access to Information legislation” shall mean Part V and VA of the Local Government Act 1972 (as amended) and, to the extent that they are applicable, to the Openness of Local Government Bodies Regulations 2014 (as amended) and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended).

- 2.2 Any reference to “executive”, “executive arrangements”, “executive function” or “committee system” has the meaning given by Part 1A of the Local Government Act 2000.

3. Functions

- 3.1 The Joint Committee will discharge on behalf of the Participating Boroughs the functions listed below related to promoting economic prosperity in West London:
- 3.1.1 Making funding applications and/or bids to external bodies, in relation to economic prosperity for the benefit of the local government areas of the participating local authorities.
 - 3.1.2 Allocating any such funding awards to appropriate projects for the benefit of the local government areas of the participating local authorities, including, where applicable, approving joint procurement.
 - 3.1.3 Seeking to be the recipient of devolved powers and/or funding streams for the local government areas of the participating local authorities, which relate to the economic prosperity agenda.
 - 3.1.4 Exercising any such powers and allocating any such funding.
 - 3.1.5 Representing the participating local authorities in discussions and negotiations with regional bodies, national bodies and central government on matters relating to economic prosperity for the benefit of the local government areas of the participating authorities.
 - 3.1.6 Representing the participating authorities in connection with the Greater London Authority, London Councils and the London Enterprise Panel, for the benefit of the local government areas of the participating authorities, in matters relating to the economic prosperity agenda.
 - 3.1.7 Representing the participating local authorities in discussions and negotiations in relation to pan-London matters relating to economic prosperity.
 - 3.1.8 Seeking to influence and align government investment in West London in order to boost economic growth within the local government areas of the participating authorities.
 - 3.1.9 Agreeing and approving any additional governance structures as related to the Joint Committee, or any sub-committees formed by the Joint Committee.
 - 3.1.10 Representing the participating local authorities in discussions and negotiations with the Secretary of State for Communities and Local Government to encourage legislative reform enabling Economic Prosperity Boards, as defined by the Local Democracy, Economic

Development and Construction Act 2009 Act, to be established by groups of boroughs in London.

3.1.11 Inviting special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, higher education sector, schools, voluntary sector, and health sector to take an interest in, and/or seek to influence, the business of the committee including by attending meetings and commenting on proposals and documents.

3.2 In relation to the Participating Boroughs which operate executive arrangements only executive functions of each borough may be exercised.

4. Membership

4.1 The membership will comprise of 6 members with each Participating Borough appointing one person to sit on the Joint Committee as a voting member.

4.2 Each Participating Borough will make a suitable appointment in accordance with its own constitutional requirements.

4.2.1 Where a Participating Borough operates executive arrangements, then the appointment of a voting member of the West London EPB will be by the leaders of the executive or by the executive. It is anticipated that, where practicable, the leader of each such executive will be appointed to the West London EPB.

4.2.2 Where a Participating Borough does not operate executive arrangements, the appointment of a voting member of the West London EPB will be in accordance with the Borough's own procedures. It is envisaged that this will usually be one of its senior councillors.

4.3 In all cases, the appointed person must be an elected member of the council of the appointing Participating Borough. Appointments will be made for a maximum period not extending beyond each member's remaining term of office as a councillor, and their membership of the Joint Committee will automatically cease if they cease to be an elected member of the appointing Participating Borough.

4.4 Members of the Joint Committee are governed by the provisions of their own Council's Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.

4.5 Each Participating Borough will utilise existing mechanisms for substitution as laid down in their own Standing Orders. Continuity of attendance is encouraged.

4.6 Where a Participating Borough wishes to withdraw from membership of the Joint Committee this must be indicated in writing to each of the committee members. A six-month notice period must be provided.

4.7 When a new borough wishes to become a Participating Borough then this may be achieved if agreed by a unanimous vote of all the existing Participating Boroughs.

5. Chair and Vice-Chair

5.1 The Chair of the Joint Committee will be appointed for 12 months, and will rotate amongst the Participating Boroughs.

5.2 Unless otherwise unanimously agreed by the Joint Committee, each Participating Borough's appointed person will serve as Chair for 12 months at a time. Where the incumbent Chair ceases to be a member of the Joint Committee, the individual appointed by the relevant borough as a replacement will serve as Chair for the remainder of the 12 months as Chair.

5.3 The Joint Committee will also appoint a Vice-Chair from within its membership on an annual basis to preside in the absence of the Chair. This appointment will also rotate in a similar manner to the Chair.

5.4 At its first meeting, the Committee will draw up the rotas for Chair and Vice-Chair respectively.

5.5 Where neither the Chair nor Vice-Chair are in attendance, the Joint Committee will appoint a Chair to preside over the meeting.

5.6 In the event of any disagreement as the meaning or application of these Rules, the decision of the Chair shall be final.

6. Sub-Committees

6.1 The Joint Committee may establish sub-committees to undertake elements of its work if required.

7. Delegation to officers

7.1 The Joint Committee may delegate specific functions to officers of any of the Participating Boroughs.

7.2 Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other boroughs.

7.3 It may also be subject to the requirement for the officer with delegated authority to consult with the Chair of the Joint Committee and the Leaders of the one or more Participating Boroughs before exercising their delegated authority.

8. Administration

- 8.1 Organisational and clerking support for the Joint Committee, and accommodation for meetings, will be provided by the Participating Borough whose representative is Chair unless otherwise agreed by the Joint Committee. The costs of this will be reimbursed by contributions from the other Participating Boroughs as approved by the Joint Committee.

9. Financial matters

- 9.1 The Joint Committee will not have a pre-allocated budget.
- 9.2 When making a decision which has financial consequences, the Joint Committee will follow the relevant provisions of the Financial Procedure Rules of LB Ealing.

10. Agenda management

- 10.1 Subject to 10.2, all prospective items of business for the Joint Committee shall be agreed by a meeting of the Chief Executives of the Participating Boroughs or their representatives.
- 10.2 It will be the responsibility of each report author to ensure that the impacts on all Participating Boroughs are fairly and accurately represented in the report. They may do this either by consulting with the monitoring officer and chief finance officer of each Participating Borough or by some other appropriate method.
- 10.3 In pursuance of their statutory duties, the monitoring officer and/or the chief financial officer of any of the Participating Boroughs may include an item for consideration on the agenda of a meeting of the Joint Committee, and, may require that an extraordinary meeting be called to consider such items.
- 10.4 Each Participating Borough operating executive arrangements will be responsible for considering whether it is necessary (to comply with Access to Information legislation regarding the publication of agendas including Forward Plan requirements) to treat prospective decisions as 'key decisions' and/or have them included in the Forward Plan. Each Participating Borough operating a committee system will apply its local non-statutory procedures.

11. Meetings

- 11.1 The Joint Committee will meet as required to fulfil its functions.
- 11.2 A programme of meetings at the start of each Municipal Year will be scheduled and included in the Calendar of Meetings for all Participating Boroughs.
- 11.3 The quorum for a meeting of the Joint Committee shall require at least 4 of the 5 appointed members (or their substitutes) to be present to transact the business as advertised on the agenda.

- 11.4 Access to meetings and papers of the Joint Committee by the Press and Public is subject to the Local Government Act 1972 and to the Openness of Local Government Bodies Regulations 2014. The Joint Committee will also have regard to the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012, notwithstanding the fact that its provisions do not strictly apply to the Joint Committee for so long as the committee has any members who are not members of an executive of a Participating Borough.

12. Notice of meetings

- 12.1 On behalf of the Joint Committee, a clerk will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements.
- 12.2 At least five clear working days in advance of a meeting a clerk to the Joint Committee will publish the agenda via the website of clerk's authority and provide the documentation and website link to the Participating Boroughs to enable the information to be published on each Participating Borough's website. "Five Clear Days" does not include weekends or national holidays and excludes both the day of the meeting and the day on which the meeting is called.
- 12.3 The clerk to the Joint Committee will arrange for the copying and distribution of papers to all Members of the Committee.

13. Public participation

- 13.1 Unless considering information classified as 'exempt' or 'confidential' under Access to Information Legislation, all meetings of the Joint Committee shall be held in public.
- 13.2 Public representations and questions are permitted at meetings of the Joint Committee. Notification must be given in advance of the meeting indicating by 12 noon on the last working day before the meeting the matter to be raised and the agenda item to which it relates. Representatives will be provided with a maximum of 3 minutes to address the Joint Committee.
- 13.3 The maximum number of speakers allowed per agenda item is 6.
- 13.4 Where the number of public representations exceed the time / number allowed, a written response will be provided, or the representation deferred to the next meeting of the Joint Committee if appropriate.
- 13.5 The Joint Committee may also invite special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, voluntary sector, and health sector to take an interest in the business of the committee including by attending meetings and commenting on proposals and documents.

13.6 The Chair shall have discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting.

14. Member participation

14.1 Any elected member of the council of any of the Participating Boroughs who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Chair.

15. Business to be transacted

15.1 Standing items for each meeting of the Joint Committee will include the following:

- Apologies for absence
- Declarations of Interest
- Minutes of the Last Meeting
- Provision for public participation
- Substantive items for consideration

15.2 The Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements at their discretion. The Chair should inform the Members of the Joint Committee prior to allowing the consideration of urgent items.

15.3 An item of business may not be considered at a meeting unless:

- (i) A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
- (ii) By reason of special circumstances which shall be specified in the minutes the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

15.4 “Special Circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a meeting allowing the proper time for inspection by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

16. Extraordinary meetings

16.1 Arrangements may be made following consultation with Chair of the Joint Committee to call an extraordinary meeting of the Joint Committee. The Chair should inform the appointed Members prior to taking a decision to convene an extraordinary meeting.

16.2 The business of an extraordinary meeting shall be only that specified on the agenda.

17. Cancellation of meetings

17.1 Meetings of the Joint Committee may, after consultation with the Chair, be cancelled if there is insufficient business to transact or some other appropriate reason warranting cancellation. The date of meetings may be varied after consultation with the Chair and appointed members of the Joint Committee in the event that it is necessary for the efficient transaction of business.

18. Rules of debate

18.1 The rules of debate in operation in the Chair's authority shall apply.

19. Request for determination of business

19.1 Any member of the Joint Committee may request at any time that:

- The Joint Committee move to vote upon the current item of consideration.
- The item be deferred to the next meeting.
- The item be referred back to a meeting of the Chief Executives of the Participating Boroughs for further consideration
- The meeting be adjourned.

19.2 The Joint Committee will then vote on the request.

20. Urgency procedure

20.1 Where the Chair (following consultation with the appointed Members of the Joint Committee) is of the view that an urgent decision is required in respect of any matter within the Joint Committee's functions and that decision would not reasonably require the calling of an Extraordinary Meeting of the Joint Committee to consider it and it cannot wait until the next Ordinary Meeting of the Joint Committee, then they may request in writing the Chief Executive of each Participating Borough (in line with pre-existing delegations in each Borough's Constitution) to take urgent action as is required within each of the constituent boroughs.

21. Voting

21.1 The Joint Committee's decision making will operate on the basis of mutual cooperation and consent and will take into account the views of the special representatives. It is expected that decisions will be taken on a consensual basis wherever reasonably possible.

21.2 Where a vote is required it will be on the basis of one vote per member and unless a recorded vote is requested, the Chair will take the vote by show of hands.

21.3 Any matter (save for a decision under Rule 4.7 above) shall be decided by a simple majority of those members voting and present. Where there is an equality of votes, the Chair of the meeting shall have a second and casting vote.

- 21.4 Any two members can request that a recorded vote be taken.
- 21.5 Where, immediately after a vote is taken at a meeting, if any Member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether the person cast their vote for or against the matter or whether they abstained from voting.

22. Minutes

- 22.1 At the next suitable meeting of the Joint Committee, the Chair will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes and cannot change or vary decisions taken at a previous meeting as a matter arising out of the minutes.
- 22.2 Once agreed, the Chair will sign them.
- 22.3 There will be no item for the approval of minutes of an ordinary Joint Committee meeting on the agenda of an extraordinary meeting.

23. Exclusion of Public and Press

- 23.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.
- 23.2 A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded. The public must be excluded from meetings whenever it is likely, in view of the nature of business to be transacted, or the nature of the proceedings that confidential information would be disclosed.
- 23.3 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think is necessary.
- 23.4 Background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

24. Overview and Scrutiny

- 24.1 Decisions of the Joint Committee which relate to the executive functions of a Participating Borough will be subject to scrutiny and 'call -in' arrangements (or such other arrangements equivalent to call-in that any Participating Borough operating a committee system may have) as would apply locally to a decision made by that Participating Borough acting alone
- 24.2 No decision should be implemented until such time as the call-in period has expired across all of the Participating Boroughs.

24.3 Where a decision is called in, arrangements will be made at the earliest opportunity within the Participating Borough where the Call-In had taken place for it to be heard.

24.4 Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call-in procedures of the Participating Borough concerned have been concluded.

25. Access to minutes and papers after the meeting

25.1 On behalf of the Joint Committee, a clerk will make available copies of the following for six years after the meeting:

- (i) the minutes of the meeting and records of decisions taken, together with reasons, for all meetings of the Joint Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.
- (ii) the agenda for the meeting; and
- (iii) reports relating to items when the meeting was open to the public.

26. Amendment of these Rules

26.1 These Rules shall be agreed by the Joint Committee at its first meeting. Any amendments shall be made by the Joint Committee following consultation with the monitoring officers of the Participating Boroughs. Note that Rule 3 (Functions) may only be amended following a formal delegation from each of the Participating Boroughs.

27. Background Papers

27.1 Every report shall contain a list of those documents relating to the subject matter of the report which in the opinion of the author:

- (i) disclose any facts or matters on which the report or an important part of it is based;
- (ii) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information and in respect of reports to the Joint Committee, the advice of a political assistant.

27.2 Where a copy of a report for a meeting is made available for inspection by the public at the same time the clerk shall make available for inspection

- (i) a copy of the list of background papers for the report
- (ii) at least one copy of each of the documents included in that list.

27.3 The Clerk will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

North West London Joint Health Overview and Scrutiny Committee

Terms of Reference

Membership

One nominated voting member from each Council participating in the North West London Joint Health Overview and Scrutiny Committee plus one alternate member who can vote in the voting member's absence. In addition, one non-voting co-opted member of the London Borough of Richmond. The committee will require at least six voting members in attendance to be quorate. The North West London Joint Health Overview and Scrutiny Committee will elect its own Chair and Vice Chair. Elections will take place on an annual basis each May, or as soon as practical thereafter, to allow for any annual changes to the committee's membership.

Terms of Reference

1. To scrutinise the plans for meeting the health needs of the population and arranging for the provision of health services in North West London; in particular the implementation plans and actions by the North West Integrated Care System and their Integrated Care Board, focusing on aspects affecting the whole of North West London. Taking a wider view than might normally be taken by individual local authorities.
2. To review and scrutinise decisions made, or actions taken by North West London Integrated Care System, their Integrated Care Board and/or other NHS service providers, in relation to the plans for meeting the health needs of the population and arranging for the provision of health services in North West London, where appropriate.
3. To make recommendations to North West London Integrated Care System and its Integrated Care Board, NHS England, or any other appropriate outside body in relation to the plans for meeting the health needs of the population and arranging for the provision of health services in North West London; and to monitor the outcomes of these recommendations where appropriate.
4. To require the provision of information from, and attendance before the committee by, any such person or organisation under a statutory duty to comply with the scrutiny function of health services in North West London. Individual local authority members of the North West London Joint Health Overview and Scrutiny Committee will continue their own scrutiny of health services in, or affecting, their individual areas (including those under the for North West London).
5. Participation in the Joint Health Overview and Scrutiny Committee will not preclude any scrutiny or right of response by individual boroughs. In particular, and for the sake of clarity, this joint committee is not appointed for and nor does it have delegated to it any of the functions or powers of the local

authorities, either individually or jointly, under Section 23 of the local authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Duration

The Joint Health Overview and Scrutiny Committee will continue until all participating authorities decide otherwise and does not preclude individual authorities from leaving the Committee if they choose to do so. The Committee will keep under review whether it has fulfilled its remit and recommendations of the Committee will be reported to a Full Council meeting of each participating authority, at the earliest opportunity.

Committee Memberships 2024/25

1. Planning and Development Control Committee (6:2)

Administration Councillors	Opposition Councillors
Omid Miri (Chair)	Alex Karmel
Florian Chevoppe-Verdier (Vice-Chair)	Adrian Pascu-Tulbure
Nicole Trehy	
Ross Melton	
Nikos Souslous	
Patrick Walsh	

2. Licensing Committee (9:3)

Administration Councillors	Opposition Councillors
Mercy Umeh (Chair)	Jose Alfonso
Paul Alexander	Aliya Afzal-Khan
Asif Siddique	Dominic Stanton
Zarar Qayyum, Jacolyn Daly	
Genevieve Nwaogbe	
Bora Kwon	
Wesley Harcourt	
Florian Chevoppe-Verdier	
Patrick Walsh	

2.1 Licensing Sub-Committee (2:1)

Members for the above must be drawn from the full membership of the Licensing Committee.

3. Appointments Panels

The membership requirements for the appointment panels are detailed in Part 3 of the Constitution.

4. Audit Committee (3:1:1)

Administration Councillors	Opposition Councillor
Patrick Walsh (Chair)	Adrian Pascu-Tulbure
Florian Chevoppe-Verdier	Independent Councillor
Lisa Homan	David Morton

5. Pension Fund Committee (4:1)

Administration Councillors	Opposition Councillors
Ross Melton (Chair)	Adrian Pascu-Talbure
Adam Peter Lang	
Laura Janes	
Florian Chevoppe-Verdier	

Non-voting Co-opted members: Mike Adam and Peter Parkin
 Observer: Councillor Ashok Patel

6. Standards Committee (5:1)

Administration Councillors	Opposition Councillors
Rebecca Harvey	Alex Karmel
Helen Rowbottom	
Rowan Ree	
Rory Vaughan	
Nikos Souslous	

Independent Persons: His Honour John Rylance, Dr Tom Babbedge and Ms Dilina Ostborn

7. Pensions Board

Administration Councillors
Ashok Patel (Chair)
Nikos Souslous

8. Health and Wellbeing Board

Administration Councillors
Bora Kwon, Cabinet Member for Adult Social Care and Health (Chair)
Natalia Perez, Chair of Health and Adult Social Care PAC (Deputy)
Alex Sanderson, Deputy Leader (with responsibility for Children and Education)
Helen Rowbottom, Chair of Children and Education PAC (Deputy)

9. Wormwood Scrubs Charitable Trust Committee (2:1)

Administration Councillors	Opposition Councillors
Alex Sanderson (Chair)	Dominic Stanton
Bora Kwon	

Policy and Accountability Committee Memberships

1. Policy and Oversight Board (7:1)

Administration Councillors	Opposition Councillors
Lisa Homan (Chair)	Victoria Brocklebank-Fowler
Helen Rowbottom	
Nikos Souslous	
Rory Vaughan	
Nicole Trehy	
Natalia Perez	
Jacolyn Daly	

2. Children and Education Policy and Accountability Committee (4:1)

Administration Councillors	Opposition Councillors
Helen Rowbottom (Chair)	Aliya Afzal-Khan
Daryl Brown	
Mercy Umeh	
Trey Campbell-Simon	

3. Social Inclusion and Community Safety Policy and Accountability Committee (4:1)

Administration Councillors	Opposition Councillors
Nikos Souslous (Chair)	Andrew Dinsmore
Omid Miri	
Lucy Richardson	
Sally Taylor	

4. The Economy, Arts, Sports & Public Realm Policy and Accountability Committee (4:1)

Administration Councillors	Opposition Councillors
Rory Vaughan (Chair)	Jackie Borland
Liz Collins	
Adam Lang	
Ashok Patel	

5. Climate Change & Ecology Policy and Accountability Committee (4:1)

Administration Councillors	Opposition Councillors
Nicole Trehy (Chair)	Jose Alfonso
Ress Melton Vacancy	

Laura Janes	
Stala Antoniadis	

6. Health and Adult Social Care Policy and Accountability Committee (4:1)

Administration Councillors	Opposition Councillors
Natalia Perez (Chair)	Amanda Lloyd-Harris
Genevieve Nwaogbe	
Emma Apherp <u>Vacancy</u>	
Ann Rosenberg	

7. Housing and Homelessness Policy and Accountability Committee (4:1)

Administration Councillors	Opposition Councillors
Jacolyn Daly (Chair)	Adronie Alford
Asif Siddique	
Sally Taylor	
Omid Miri	

Joint Committees

8. North West London Joint Health Overview & Scrutiny Committee

Administration Councillors
Natalia Perez (voting member)
Nikos Soslous (substitute member)

Advisory Bodies

Note: Advisory bodies have no legal decision-making powers.

9. Corporate Parenting Board

Administration Councillors	Opposition Councillors
Alex Sanderson (Chair)	Aliya Afzal-Khan
Helen Rowbottom	
Rebecca Harvey	

Scheme of Delegation to Officers

1. Powers of Delegation

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

2. General Principles of Delegation

- 2.1 All delegated powers are exercised in accordance with Council policies, within any financial limits imposed and within any guidelines prescribed in this Constitution or by the Council, Cabinet or appropriate committee.
- 2.2 Each officer shall exercise all powers subject to the Council's Constitution, Executive Arrangements and Scheme of Delegations, 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~~2.3 Cabinet Members may delegate, in writing, functions in their portfolios to officers.

~~2.5~~2.4 Any matter that does not fall within the definition of a Key Decision under this Constitution is delegated to either the relevant Cabinet Member or an officer of the Authority. Where an officer has delegated authority it may still be appropriate for the officer to consult with the relevant Cabinet Member prior to taking the decision.

~~2.6~~2.5 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~~2.6 Cabinet Members or Committees may reserve to themselves decisions that have been delegated to officers by giving notice to the Chief Executive, the Monitoring Officer and the relevant Chief Officer.

~~2.8~~2.7 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.

2.92.8 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 departmental register of authorities.

3. Limitations and Conditions of Delegation

- 3.1 Where revenue expenditure will be incurred or new sources of revenue secured, (including grants, loans, investments and management of Council funds), any officer exercising their delegated power must do so in accordance with approved revenue estimates and following consultation with either the Cabinet Member, Cabinet or Leader.
- 3.2 Officers shall not exercise delegated powers where any capital expenditure will be incurred other than in accordance with Financial Regulations or where 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 Officers shall not exercise any powers to contract or issue orders for goods, materials or services (including for maintenance or repair work to Council premises), except in accordance with the Council's Contract Standing Orders and Financial Regulations.
- 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 either the Leader, the Cabinet, relevant Cabinet Member or the Full Council as appropriate in order that a decision may be made.
- 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 Monitoring Officer 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, supporting or new legislation.

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 if they do, to notify the Head of Paid Service or Monitoring Officer.

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.

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~~an 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 to Member conduct, the matter shall be discharged by ~~the~~a 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 departmental registers of authority maintained by each department.~~

4.21.1 Each Chief Officer (those reporting to the Chief Executive) 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, Legal Services.
 - (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 £30,000 per settlement 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 Assistant Director, People and Talent, 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 Assistant Director, People and Talent, 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 the ~~Head of Human Resources~~Assistant Director, People and Talent 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 waiver of repayment of maternity leave.
 - (d) To authorise overtime working.
 - (e) To appoint consultants where the value of the commission is below £25,000, subject to the requirements of Contract Standing Orders.
 - (f) 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 Assistant Director, People and Talent and the Director, Legal Services.
- 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, Legal Services 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, Legal Services.
- 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, Legal Services 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. Information Asset Owner

6.1 Each **Executive** Director is the Directorate Information Asset Owner. The Information Asset Owner is responsible for:

- understanding and addressing the risks to the information assets they own;
- maintaining records required to be retained in accordance with LBHF’s Retention and Disposal schedule;
- ensuring that records are reviewed in a systematic manner in line with LBHF’s Retention & Disposal schedule, ensuring the destruction process is followed and that records are reviewed and logged before destruction; and
- providing assurance to the SIRO (Senior Information Risk Owner) on the security and use of Information assets.

7. Routine Service Decisions

7.1 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.

7.2 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) for revenue and contract expenditure made by a Chief Officer or Assistant Director:

CAPITAL	Procurement Strategy Approval	Contract Award Approval
Up to the EU threshold for services (currently £181,302)	Not applicable	All Chief Officers (SLT)
Between the EU threshold for services up to £1.5m	CE/SLT in consultation with the relevant Cabinet Member	CE/SLT in consultation with the relevant Cabinet Member

REVENUE	Procurement Strategy Approval	Contract Award Approval
Up to the EU threshold for services (currently £181,302)	Not applicable	CE/SLT
Between the EU threshold for services up to £500,000	CE/SLT in consultation with the	CE/SLT in consultation with the relevant Cabinet Member

	relevant Cabinet Member	
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- (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.
- (c) If the decision requires expenditure within the thresholds below it must be taken by the relevant Cabinet Member or Cabinet.

CAPITAL	Procurement Strategy Approval	Contract Award Approval
£1,500,001 to £5m	The relevant Cabinet Member	The relevant Cabinet Member
Over £5m	Cabinet	The relevant Cabinet Member

REVENUE	Procurement Strategy Approval	Contract Award Approval
£500,001 to £5m	The relevant Cabinet Member	The relevant Cabinet Member
Over £5m	Cabinet	The relevant Cabinet Member

7.3 Decisions requiring expenditure 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.

8. Recording, Implementing and Accounting for Officer Decisions

8.1 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, Members and the public as required by statute, particularly if the decision relates to a change in policy or practice, or a financial commitment.

8.2 Every officer is responsible for ensuring that any decision they take is implemented accordingly.

8.3 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.

9. Other Responsibilities

- 9.1 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 (including the Contract Standing Orders and the Financial Regulations).
- 9.2 Each Chief Officer or other Proper Officer in making decisions under this scheme is required to do so in accordance with the register of authority for their own directorate. This will include appropriate monitoring arrangements and dissemination of information both internally and externally to the Council.
- ~~9.3 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) Discharge the functions of Electoral Registration Officer and be responsible for elections.
- (h) make decisions on employee terms and conditions, ~~(including procedures for dismissal.)~~
- (i) 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).
- (j) be responsible for the Council's responsibilities as an employer under Health and Safety legislation.

2. The Executive Director of Finance & Corporate Services shall:

- (a) act as the statutory 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) Provide leadership, advice and support to Members, SLT Directors, Assistant Directors, and managers across the authority on all procurement, contract management and other commercial matters.
- (e) 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.
- (f) to be responsible for the calculation of Council tax levels as part of Budget setting.
- (g) manage the revenue service - administration and collection of Council Tax and National Non- Domestic Rates (Business Rates) and collection of corporate debt
- (h) manage the benefits service - administration and payment of Housing Benefit and Council Tax Support including free school meals and clothing grants
- (i) develop and implement a Council customer services strategy including business transformation and channel shift (contact channel improvement programme)
- (j) Manage the democratic services 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, and electoral registration and elections.
- (k) Deliver the Council's vision and strategic objectives and have overall responsibility for all matters relating to the delivery of housing in the borough.
- (l) 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.
- (m) Approve applications for housing and allocate properties in accordance with the Council's established allocations policy.
- (n) Be responsible for commissioning services relating to the management and maintenance of the Council's housing stock and administer the HomeBuy Scheme as defined under Housing Act 1985 (as amended).
- (o) Be responsible for the delivery of compliance against health and safety in relation to the council's role as a landlord to its housing stock.

~~(p)~~ (p) Make arrangements to provide housing advice and support to prevent homelessness and process statutory homelessness applications.

~~(p)-(q)~~ (q) To manage the operational ~~corporate~~ land and property of the Council within his/her areas of responsibility, for of all aspects of the lease and freehold.

~~(q)-(r)~~ (r) Manage the contact services – revenues, benefits, corporate and out of hours contact centres, reception, complaints (dealing with stage 1, 2 and Ombudsman complaints, ASC and CHS statutory complaints, councillor and MP enquiries, FOI, SARs and GDPR), pay & park and accessible transport (dealing with blue badges, taxi cards, parking permits and cash payments).

~~(r)-(s)~~ (s) 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 Executive Director of People 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, education, Youth Justice, cared for children, care experienced young people, 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.
- (g) be responsible together with the Director of Independent Living (DASS) transition service for disabled children.
- (h) 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.
- (i) 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.
- (j) arrange for the effective operation of the Council's responsibilities for the assessment, purchase and provision of social care services for adults including Disabled people, 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.
- (k) Manage commissioning across Children's, Social Care and Public Health.
- (l) Provide leadership, advice and support to Members, Executive Directors, Directors, and managers across the authority on all commissioning matters.
- (m) Promote health improvement in the borough and participate as a member of the Health and Wellbeing Board for the Borough.
- (n) To lead and oversee Public Health and support the Director of Public Health.

4. The Executive Director of Place shall:

- (a) arrange for the effective operation of the Council's responsibilities for the regulation of waste management and cleansing of streets.
- (b) be responsible for the borough's parks and cemeteries.
- (c) be responsible for all matters relating to the Council's functions relating to crime and disorder.
- (d) 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).
- (e) be responsible for emergency planning and business continuity and undertake executive powers where necessary in the event of a civil emergency.

- (f) 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.
- (g) operate the Council's on street and parking enforcement services.
- (h) 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.
- (i) exercise the functions of the Council relating to environmental health. This includes powers relating to: food safety, health and safety, 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.
- (j) be responsible for the Prevent Channel Panel – In compliance with the statutory requirements set out under sections 36 – 41 of the Counter Terrorism and Security Act 2015, H&F has a Channel panel in place for its area and has regard to the Channel duty guidance 2020. The designated Channel chair/deputy chair functions are fulfilled by Assistant Director, Adult Safeguarding. The Channel panel function in H&F is discharged through a joint panel with RBKC.
- (k) Approve the allocation of funds to individual projects to be supported through regeneration programmes.
- (l) Be responsible for new affordable housing, through direct delivery, in partnership and through the creation and management of Council housing companies and other delivery vehicles
- (m) exercise Planning and conservation powers in accordance with the relevant legislation. Delegation includes powers to determine applications for planning permission, advertisement consent, Conservation Area Consent, Listed Building Consent, Certificates of Lawfulness and Prior Approval, application for the Council's own development and Hazardous Substances consent, to take planning enforcement action, and respond to appeals, except where otherwise directed by the relevant legislation.
- (n) Preparation and review of Planning policy documents, meeting our Duty to Cooperate and Neighbourhood Planning responsibilities, responding to National and Regional planning policy, and maintaining statutory registers
- (o) Preparation and review of the H&F Community Infrastructure Levy (CIL) charging schedule
- (p) Entering into or varying S106 Legal Agreements and ongoing monitoring of s.106 agreement.
- (q) Deliver the Council's vision and strategic objectives and have overall responsibility for all matters relating to the delivery of regeneration in the borough.

- (r) Be responsible for Council initiatives relating to the economic development and skills and adult and community learning
- (s) Deliver economic growth projects and programmes
- (t) Deliver the arts and culture strategy, and associated projects and programmes
- (u) Be responsible for Building and Property Management.
- (v) Be responsible for the Council's Building control and regulation, control over demolition functions and also its roles for dangerous structures
- (w) Take action and operate all legislative and administrative procedures in relation to the regulation of street trading.
- (x) Be responsible for Leisure services.
- (y) Be responsible for Library services and comply with the statutory duty for provision of this service.
- (z) Manage policy relating to events in public spaces.
- (aa) Be the Senior Responsible Officer (SRO) for the Regulatory Investigation Powers Act 2000 to ensure compliance with legislation and use across the Local Authority.
- (aa)(bb) to manage the operational corporate land and property of the Council within his/her areas of responsibility, for ~~of~~ all aspects of the freehold and leases.

Other Officers

5. The Director for Legal Services 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) institute, defend, or participate in any legal proceedings in any case where such action is necessary, in the view of the Assistant Director, Legal Services, to give effect to decisions of the authority or in any case where the Assistant Director, Legal Services considers that such action is necessary to protect the authority's interests.
- (c) with the agreement of the relevant Chief Officer, to 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 they consider appropriate.
- (d) with the agreement of the Monitoring Officer, 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 Strategic Leadership Team member acting within delegated power.
- (h) Shall be signatory of settlement agreements for employment matters subject to consultation with the Assistant Director People and Talent, except for Chief Officer's settlements which shall also require consultation with the Head of Paid Service and Strategic Director of Finance.
- (t) make appointments to outside bodies in accordance with the nominations made by the Party Whips.
- ~~(s)~~ (u) To report on the Defend Council homes Policy.

Director of Public Health

6. 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 the Council's constitution. Such authority can be delegated in writing to others.
 - b. To lead on personnel decisions, including recruitment, appraisal and disciplinary decisions.
 - c. To report to the Chief Executive and the relevant Cabinet members and Policy and Accountability Committee on public health matters.
 - d. To exercise the statutory functions of the Director of Public Health. These responsibilities may be delegated in writing to named public health consultants.
 - e. To report to the Council's Executive Director of People on the performance of the function and to support the accountability of the Chief Executive for grant expenditure.
 - f. To ensure that the Council 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 the Council's communications team.
 - i. To promote action across the life course, working together with Council colleagues and the NHS.
 - 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 commissioning appropriate services accordingly.
- n. To take responsibility for the management of the Council'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 Council'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.

107. Undetermined Functions

107.1 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.

118. Detailed Registers of Authority

118.1 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.

~~8.2— These registers of authority will be reviewed annually by the Monitoring Officer.~~

~~8.3— The Monitoring Officer, in consultation with the Leader, Chief Whip and Opposition Whip, has authority to make changes to the register of authority 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-delegate powers to exercise executive or non-executive functions. Any such changes shall be reported to the next available Council meeting for information.~~

Emergency Response Structures

Local authorities have a wide range of services to deliver in response to an emergency affecting the community, and a need to ensure that it can keep its core, critical services functioning if faced with a significant business continuity disruption to its services.

In the event of an emergency, as defined in the Civil Contingencies Act 2004, the Council will activate its Emergency Response & Recovery Plan.

Response Coordination

The response to an emergency will be managed from the Borough Emergency Control Centre (BECC). Sitting above in a strategic management role will be the Strategic Coordinating Group (Gold), chaired by the Chief Executive or the Lead Director of Resilience who is the Executive Director of Place).

Interface with Members

The Gold chair, Chief Executive or nominated Gold officer will provide to the Leader of the Council a daily situation report on critical services.

The Leader of the Council may wish to convene a weekly meeting of his Cabinet Members to be updated by Cabinet Members, who in turn are briefed by their own Directors about the impact of the emergency on their services.

The purpose of the Gold Meeting is to make all strategic decisions relating to the management of the organisation and its response to the emergency. This includes all Member liaison.

PART 4 – RULES OF PROCEDURE

Council Procedure Rules

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

1. ANNUAL MEETINGS

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

Accountability Committees, and the Youth Mayor or Deputy Youth Mayor on work undertaken in the previous year.

~~(h)~~(k) Agreeing the Council Calendar of meetings.

~~(m)~~(l) Reports from officers as required in the proper discharge of functions delegated by the Council.

~~(n)~~(m) Considering any petitions made to the Council under the Petitions Scheme at Annex A.

~~(o)~~(n) Special motions.

2. BUSINESS AT ORDINARY COUNCIL MEETINGS

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

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

2.2 Conflict Resolution Mechanism

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

3. OTHER COUNCIL MEETINGS

- (a) The Council shall hold a Budget meeting at a time, date and place fixed by the Council to:
- determine the annual estimates and the Council Tax for the ensuing financial year and
 - adopt to an allowance scheme for members.
- (b) The Council may hold, in addition to the Annual meeting and the Budget meeting, such other meetings at such hour, on such days and at such place as the Council may determine.
- (c) An Extraordinary meeting of the Council may be called at any time by the Mayor. (In determining the date of the Extraordinary Council Meeting, where this has been requisitioned by five Councillors, the Mayor shall have regard to the nature and urgency of the item of business which is the subject matter of the requisition).
- ~~(d) If the Mayor refuses to call an Extraordinary meeting of the Council after receiving a requisition for that purpose signed³ by five Councillors or if, without so refusing, the Mayor does not call an Extraordinary meeting within seven days of receiving a requisition, then any five Councillors, on that refusal or on the expiration of those seven days, may forthwith call an Extraordinary meeting of the Council.~~
- (d) An Extraordinary meeting may consider any of the matters specified in Rule 2.1 above (Business at ordinary Council meetings) except questions submitted by the public.
- (e) In addition to the Mayor and any five Councillors, the Chief Executive or the Monitoring Officer, as a matter of urgency, may call an Extraordinary meeting of the Council at any time.

4. NOTICE OF MEETING

- (a) At least five clear working days⁴ before a meeting of the Council:
- (1) Notice of the date, time and place of the intended meeting shall be published on the Council's website, ~~and where the meeting is called by Councillors in accordance with Council Procedure Rule 3(d) above, the notice shall be signed² by those Councillors and shall specify the business proposed to be transacted.~~
 - (2) A summons in electronic form to attend the meeting, specifying the business proposed to be transacted and signed³ by the proper officer of the Council, shall, subject to sub-paragraph (b) below, be sent to every Councillor.
 - (3) A copy of the agenda shall be open to inspection by members of the public.

~~³The term 'signed' in this context means either in manuscript, facsimile or by other electronic means.~~

⁴ The term 'clear days' ~~below~~ refers to weekdays, and excludes weekends, Bank Holidays, the day the notice, agenda or summons is published, and the day on which the meeting is held.

- ~~(b) — If a Councillor specifies in writing to the Monitoring Officer that they desire a summons to attend meetings of the Council to be sent to them at some address so specified other than their place of residence, any summons addressed to them and left at or sent by post to that address shall be deemed sufficient service of the summons.~~
- ~~(c) — Summons will be sent in electronic form to Councillors consenting in writing to the summons being so sent, until such consent is withdrawn in writing. Such consent may be withdrawn at any time.~~
- ~~(d) — Want of service of a summons on any Councillor(s) shall not affect the validity of a meeting of the Council.~~

~~5. — MAYOR~~

- ~~(a) — The Mayor shall be elected annually by the Council from among the Councillors.~~
- ~~(b) — The Mayor, unless they resign or becomes disqualified, shall continue in office until their successor becomes entitled to act as Mayor.~~
- ~~(c) — During their term of office, the Mayor shall continue to be a member of the Council notwithstanding the provisions relating to the retirement of Councillors.~~
- ~~(d) — The election of the Mayor shall be the first business transacted at the Council's annual meeting.~~
- ~~(e) — If, apart from paragraph (c) above, the person Chairing the Annual Meeting (during the election referred to in paragraph (d) above) would have ceased to be a Councillor they shall not be entitled to vote in the election except to exercise their casting vote.~~
- ~~(f) — In the case of an equality of votes the Mayor shall have a casting vote in addition to any other vote they may have.~~
- ~~(g) — The Mayor may appoint a Councillor to be Deputy Mayor, and the person so appointed shall, unless they resign or becomes disqualified, hold office until a newly elected Mayor becomes entitled to act as Mayor (whether or not the Deputy Mayor continues until that time to be a Councillor).~~
- ~~(h) — The Deputy Mayor may, if for any reason the Mayor is unable to act or the office of Mayor is vacant, discharge those functions which the Mayor as such might discharge, except that they shall not take the chair at a meeting of the Council unless specially invited by the meeting to do so under Council procedure rule 8.2 below.~~

~~6. — COUNCILLORS' TERMS OF OFFICE~~

- ~~(a) — Councillors' terms of office are four years and they retire on the fourth day after the Council election when the newly elected Councillors come into office.~~
- ~~(b) — Vacation of Office — a person elected to any office under the Local Government Act 1972 or a member of a Committee or other body may at any time resign their office or membership by written notice~~

~~delivered to the Chief Executive and the resignation shall take effect upon the receipt of the notice.~~

- ~~(c) — Subject to sub-paragraphs (d) and (e) below, if a member of the Council or Executive fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council or Executive they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Council or Executive.~~
- ~~(d) — Attendance as a Councillor at any Executive or Council Committee which discharges or advises the Council on the discharge of its functions shall be deemed for the purposes of sub-paragraph (c) to be attendance at a Council meeting. (For purposes of clarification this includes all Executive, Committee, Sub-Committee, Policy and Accountability Committee or quasi-judicial (i.e. regulatory) bodies established by the Council).~~
- ~~(e) — Councillors are relieved from disqualification on account of absence if it is due to employment by Her Majesty's naval, military or airforce services or the service of Her Majesty in connection with war or any emergency as agreed by the Secretary of State.~~
- ~~(f) — Where a Councillor ceases to be qualified or is disqualified, the Council shall, except in any case in which a declaration has been made by the High Court under the Act, forthwith declare their office vacant.~~
- ~~(g) — A person elected or appointed under the Act to fill any casual vacancy shall retire on the date on which the person whom they are replacing would have retired.~~
- ~~(h) — Committees and their Chairs/Vice Chairs shall remain constituted or hold office until their successors are appointed, except in a Council election year, when they will cease to be constituted or hold office at the end of the day preceding the election.~~

~~7. — COUNCILLORS~~

- ~~(a) — A person shall, so long as they are, and for twelve months after they cease to be a Councillor, be disqualified from being appointed by the Council to any paid office.~~
- ~~(b) — Unless specifically authorised so to do by the Council or a Committee, a Councillor shall not issue any order in respect of any works which are to be or are being carried out by or on behalf of the Council or claim by virtue of their membership of the Council, any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.~~
- ~~(c) — A Councillor may request information from a Director but such a request may be declined if in the opinion of the Chief Executive (or the Monitoring Officer in their absence), it entails intensive research, or an undue expenditure of time or abortive costs, or there is another good reason for non-compliance.~~

~~(d) — A Councillor acting professionally, by themselves, or by their partner, in conflict with the interest of the Council, shall on each occasion notify the Chief Executive and Monitoring Officer.~~

~~8. — ROLE OF MAYOR, LEADER & CABINET MEMBERS~~

~~8.1 — At a meeting of the Council, the Mayor, if present, shall preside.~~

~~8.2 — If the Mayor is absent from a meeting of the Council then the person appointed by the Mayor as Deputy Mayor shall preside, providing that they remain a Councillor and are chosen to preside by the Councillors then present.~~

~~8.3 — If the Mayor and Deputy Mayor are absent from a meeting of the Council, or the Deputy Mayor, being present, is not chosen to preside or no appointment of Deputy Mayor has been made, another Councillor chosen by the Councillors present shall preside.~~

~~8.4 — The Leader and the other members of the Executive (referred to herein as Cabinet Members) shall have the right to speak first in debate on any matters falling within their Portfolios at meetings of the Council (after any other Councillor in whose name a motion or amendment may stand).~~

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

~~59. COUNCIL QUORUM~~

~~59.1~~ The Council shall not carry out any business at their meetings unless at least one quarter of the total number of Councillors are present (i.e. ~~153~~ Councillors).

~~59.2.~~ If no quorum is present 15 minutes after the start time of a Council meeting, or if during the course of a meeting it becomes inquorate, the meeting shall be adjourned. Any outstanding business at a Council meeting shall be held over to a time to be fixed by the Mayor or to the next ordinary Council meeting.

~~610. MINUTES~~

~~610.1~~ Minutes of Council or Committee or Panel meetings ~~shall be kept in a minute book and~~ shall be signed at the next ordinary meeting by the Mayor/Chair.

~~10.2 — A Council or Committee or Panel meeting which has had its minutes properly signed shall be deemed to have been held, and all Councillors present at the meeting shall be deemed to have been duly qualified, until the contrary is proved.~~

40.36.2 There shall be no discussion of the minutes except on their accuracy. Any question of accuracy should be raised by motion. The Mayor/Chair shall sign the minutes once they have been voted on.

744. ATTENDANCE

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

842. PUBLIC QUESTIONS

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

The question must be in writing⁵ and submitted to the Monitoring Officer at least 7 clear days⁶ [no later than 12 noon] before the day of the Council Meeting.

The question or matter to be raised must be primarily local in nature and must not be about individual or personal or group matters (e.g. personal claims, applications, legal action including pre-action, neighbour or other disputes etc. - as the Council cannot respond to such issues in a public meeting) and must not relate to current planning or licensing applications;

- (c) Questions may be edited as necessary by the Monitoring Officer both to bring them into proper form and to secure brevity. Questions which, in the opinion of the Mayor, are defamatory or unsuitable in form, involve an excessive amount of time to prepare, or are frivolous or derogatory shall not be accepted.
- (d) The Mayor shall call the questions in the order that they have been received and the member of the public submitting the question shall then read it out. (If the questioner is not present when the question is called, a written reply shall be provided).
- (e) Replies to questions shall be oral. ~~However, persons questioned may decline to reply, if, in their opinion, questions involve an excessive and~~

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

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

~~unnecessary amount of time on the part of officers in collating or preparing the information required.~~

- (f) A Cabinet Member or the Leader may arrange for the reply to be given by another Councillor.
- (g) There shall be no speech or discussion allowed on any question or reply.
- (h) If a question does not receive a reply within the time allowed for the public session, the Leader or Cabinet Member shall provide a written reply to the questioner. All public questions and the reply given by the Leader or Cabinet Member shall be recorded in the Minutes of the Council.

439. REPORTS TO COUNCIL

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

439.2 Recommendations may be:-

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

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

440. SPECIAL MOTIONS

- (a) Any two Councillors may submit a Special Motion for debate by the Council. Such motions shall be published in the agenda for the meeting.
- (b) Special Motions must be relevant to ~~matters the functions of the Council or~~ affecting the lives of people living ~~and or~~ working in the Borough.
- (c) Special Motions may be ruled out of order by the Mayor, on advice from the Monitoring Officer, if they are irrelevant to the affairs of the Borough, defamatory, or place the Council at legal risk. Where ruled out of order, such motions shall not be placed on the agenda, and the mover and seconder shall be notified. Where motions are submitted close to the deadline, and review has not been possible prior to publication of the agenda, the Mayor may make a ruling, on advice, at the Council meeting. Motions that are ruled out of order at Council meetings may not be amended to make them valid. Neither may a substitute motion be tabled.
- ~~(d) A Councillor may not move a Special Motion to directly overturn a Council resolution arising from a previous Special Motion passed in the previous six months. A Special Motion or amendment may not be~~

~~submitted to the same effect as one rejected in the preceding 6 months.~~

- (de) Special Motions must be submitted to the offices of the Monitoring Officer signed⁷ by the mover and seconder, no later than midday **7 clear days**⁸ before the date of the Council meeting (i.e. by midday (12 Noon) on the Friday (normally) the week before the date of publication of the Council agenda).
- (ef) Amendments to Special Motions ~~or report recommendations at virtual meetings of Full Council~~ must be ~~submitted prior to the meeting. They will only be accepted for debate and / or voting if~~ received by 5.7pm on the day before of the meeting.
- (fg) Special Motions will be included on the agenda in the order that they are received.
- (gh) Amendments to Special Motions must relate sufficiently to the original motion so as not to contravene requirements for public notice of matters on the Council agenda as required by the 1972 Local Government Act.
- (hi) Special Motions may be withdrawn at, or prior to, a Council meeting. Motions not moved or seconded shall be treated as withdrawn.
- (ij) Special Motions shall be debated in accordance with the rules of debate and may be (i) supported; (ii) supported in amended form following one or more amendments moved and accepted; (iii) opposed.
- (jk) No Councillor shall move or second more than two Special Motions at the same meeting.
- (kl) No Special Motions shall be debated at Budget ~~and Extraordinary~~ Council meetings.
- (l) Special Motions can only be debated at Extraordinary Council meetings where that special motion was the purpose for calling the meeting.

115. RULES OF DEBATE AT COUNCIL

- (a) Debate may be on motions, recommendations or other items placed on the Council agenda.
- (b) Speeches should be relevant to the subject under discussion and be addressed to the Mayor. No speech may exceed 5 minutes without the consent of the Mayor except:
 - (1) At the Budget meeting, the Leader shall be allowed unlimited time to set out their priorities or to propose the Budget.
 - (2) The Leader of the Opposition shall also be allowed unlimited time to reply to a Leader's speech at the Budget Meeting.

⁷ The term 'signed' in this context means either in manuscript, facsimile or by email.

⁸ The term 'clear days' below refers to weekdays, and excludes weekends, Bank Holidays, the day the motion is received and the day on which the meeting is held.

- (3) In the event of the absence of the Leader or the Leader of the Opposition at the Budget meeting, the Mayor shall invite the Deputy Leader or another Cabinet Member (for the Leader) or another Member of the same political group (for the Leader of the Opposition) to exercise the rights of speech of the Leader or the Leader of the Opposition.
- (4) Up to 3 other speakers from each side shall speak at the Budget meeting. No speech may exceed 5 minutes.
- (5) The Leader of the Council will then be given an opportunity to sum up the debate.

(c) The Leader and the other members of the Executive (~~referred to herein as Cabinet Members~~) shall have the right to speak first in debates on any matters falling within their Portfolios at meetings of the Council (after any other Councillor in whose name a report, motion, or amendment may stand).

(de) The Mayor shall call speakers in a manner designed to achieve effective debate and to air the views of all political parties. A Councillor who has initiated a debate by Special Motion shall have a right of reply at the end of the debate.

(ed) When speaking at meetings of the Council, a Councillor may sit or stand to address the Mayor. If two or more Councillors indicate they wish to speak, the Mayor will call on one and the others should sit while they wait to be called on. When a Councillor is speaking, all other Councillors shall remain seated, unless rising to a point of order or a point of personal explanation (see below). Points of order and personal explanation can also be indicated while seated.

(1) **On a point of order:** A Councillor shall be entitled to be heard forthwith. Any other Councillor then speaking shall give way. A point of order shall relate only to an alleged breach of a Rule or statutory provision, and the Councillor shall specify the Rule or statutory provision, and the way in which they consider it has been contravened. The Councillor's remarks shall be confined to the point of order.

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

(fe) The following Motions and Amendments may be moved without prior notice:

- (1) Election of a Chair for the meeting (if the Mayor is absent), and/or to invite the Deputy Mayor, if present, to take the Chair.
- (2) Motions relating to the accuracy of the minutes.
- (3) That an item or items of business specified in the agenda shall have precedence.
- (4) That leave be given to withdraw a motion.
- (5) Extending the time limit of speeches.
- (6) Amendment to a motion or recommendation.
- (7) That the meeting proceed to the next business.
- (8) That the question be now put.
- (9) That the meeting or debate or Special Motion be now adjourned.
- (10) Point of Order.
- (11) Point of personal explanation.
- (12) Suspension or variation of Council Rules (except those of statutory effect).
- (13) A motion under Section 100(A) of the Local Government Act 1972 to exclude the public.
- (14) That a Councillor named be not further heard.
- (15) Inviting a Councillor to remain after declaring an interest under the terms of the Code of Conduct.

- ~~(f) — **On a motion to adjourn the meeting or debate:** Unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed, the Mayor shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion. If the motion is passed, consideration of the matter(s) under discussion shall stand adjourned to a further meeting.~~
- ~~(g) — **On a motion to adjourn a Special Motion:** The Mayor shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply. If the motion is passed, consideration of the matter(s) under discussion shall stand adjourned to a further meeting.~~
- ~~(h) — **On a motion to proceed to next business:** Unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed, the Mayor shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to the next business.~~
- ~~(i) — **On a motion that the question be now put:** Unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed, the Mayor shall first put to the vote the motion that the question be now put, and if it is passed, then give the mover of the original motion the right of reply before putting their motion to the vote.~~

- ~~(j) — A Councillor may move a relevant amendment to any motion or recommendation. Such amendments shall require a seconder and shall, if required, be put in writing to the Mayor before discussion.~~
- ~~(k) — An amendment shall be relevant to the motion or recommendation and shall leave out, add or insert words.~~
- ~~(l) — Only one amendment shall be discussed at a time. If an amendment is lost, other amendments may be moved on the original motion or recommendation. If an amendment is carried, the motion or recommendation as amended shall take the place of the original motion or recommendation and shall become the substantive motion or recommendation upon which any further amendments may be moved.~~
- ~~(m) — A motion may be withdrawn or altered with the consent of the meeting by the mover or seconder of the motion or their Party's Whip on their behalf whether prior to or during the meeting. No member may speak on a withdrawn motion.~~
- ~~(n) — After the guillotine has fallen, all circulated amendments to motions shall be taken as proposed and seconded. The Mayor shall put to vote, without discussion, each amendment to the undebated motions to complete the consideration of any remaining items of business on the agenda.~~

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

- 126.1 All motions and amendments must be formally moved and formally seconded by Members, or deemed to be so under these Rules, before they may be debated and voted upon.
- 126.2 A mover of the motion or amendment may elect to speak immediately or reserve their speech until later in the debate (subject to the prior termination of the meeting or a resolution that the matter be now put).
- 126.3 A Member seconding a motion or amendment shall indicate their intention to second the motion immediately following the proposal of the motion, and may then elect to speak immediately following the proposer, or may elect to reserve their speech until later in the debate (subject to the prior termination of the meeting or a resolution that the matter be now put).
- 126.4 The Mayor will then call any Members who have indicated to speak.
- 126.5 If an amendment is moved, the debate shall proceed in the following manner:
 - (a) The mover of the amendment, thereafter the seconder of the amendment shall speak unless they have reserved their speech
 - (b) Then shall follow such other speakers as the Mayor considers appropriate
 - (c) A vote shall be taken on the amendment

- (d) The Mayor will then call any further Members who have indicated they wish to speak on the substantive motion.
- (e) The mover of the substantive motion shall have a right to reply at the end of the debate immediately before it is put to the vote.
- (f) A vote shall be taken on the substantive motion, as amended if appropriate.
- (g) If more than one amendment is moved, they shall be debated separately and voted upon one at a time.

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

137. VOTING AT COUNCIL AND COMMITTEE MEETINGS

- (a) All questions considered by Council or a Committee shall be decided by a simple majority of the Councillors (or voting members comprising the Panel) present and voting thereon, subject (in the case of voting at Council meetings) to the provisions of any enactment. Where there is no dissent, the Mayor shall take the recommendation or motion as agreed.
- (b) If there is dissent, the Mayor shall take a vote by show of hands. The Mayor shall announce the result of the votes – For, Against and Not Voting.
- (c) In the case of an equality of votes, the Mayor/Chair shall have a second or casting vote and may exercise it at their discretion.
- (d) The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require a recorded vote to be taken on any decision relating to the budget or council tax and will follow the procedure set out at Rule 17(e) below.
- (e) ~~In addition to Rule 17(d), if at a meeting~~ Additionally, any five Members present may demand a recorded vote by standing ~~-, prior to the Mayor calling a vote,~~ to indicate such demand, the names “for” or “against” the motion or amendment or abstaining from voting i.e. “not voting” will be taken down in writing and entered into the minutes. The procedure for a recorded vote shall be as follows:
If available, ~~t~~The Monitoring Officer or their representative shall ring the division bell for a minute. At the end of the one minute division bell,
 - (i) ~~-,~~ the Mayor shall put the motion to a vote and the Monitoring Officer or their representative shall call out the names of Members and record their votes or abstentions.
 - (ii) Each member shall answer “For”, “Against” or “Not Voting”.
 - (iii) The Mayor shall declare the result of the vote and the vote of each Member shall be recorded in the minutes.
- (f) ~~This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and cannot therefore be waived.~~

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

- (g) If more than two persons are nominated for any position to be filled by Council and there is not a majority vote in favour of one person, then the person with the least votes shall be removed from the list and a fresh vote taken. This shall continue until one person has a majority of votes.

148. REGULATORY, POLICY AND ACCOUNTABILITY AND OTHER COUNCIL COMMITTEES

- 148.1 The Membership and Terms of Reference of all Council Committees shall be decided by Annual Council and any subsequent vacancies or changes made at future Council meetings.
- 148.2 Membership and terms of reference of any Sub-Committees, Advisory Committees, Working Groups or other Panels shall be decided by their parent body.
- 148.3 Annual Council shall set the dates for Council and other Committee meetings, provided that the Chair/Vice-Chair, or Chief Executive or Monitoring Officer may, in instances of urgency, call a meeting in consultation with the Chief Whip.
- 148.4 A Chair of a Committee may cancel a meeting on the grounds of insufficient business, in consultation with the Chief Whip.
- 148.5 Subject to the provisions of Section 100(A) of the Local Government Act 1972:
- (a) The Chair of a Committee may vary the date and time of a meeting only after consultation with the Chief Whip.
 - (b) The Opposition Whip shall be notified immediately of any changes.
- 148.6 In the absence of the Chair of a Committee, the Vice-Chair shall not take the chair at a meeting unless appointed by Full Council. The members present shall elect a Chair for the meeting from among the members then present, who shall have the second or casting vote. If the Chair subsequently attends the meeting, the person then in the chair shall vacate it.

159. QUORUM OF COMMITTEES & PANELS

- 159.1 Quorums for all Council meetings can be found in Part 3 of the Constitution in Committee Terms of Reference.
- 159.2 If a quorum is not present 15 minutes after the start time of a meeting or lacking at any time after the meeting has started, the business shall be adjourned to a date to be arranged. The Chair and members present may decide to discuss the items on the agenda informally.

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

1620. RULES OF DEBATE AT COMMITTEES⁹

- (a) Debate may be on reports, recommendations or other items placed on the agenda for the meeting.
- (b) The Chair shall order the meeting in a manner designed to achieve effective debate and to air the views of all political parties.
- (c) When a Councillor is speaking, all other Councillors shall remain silent, unless speaking to a point of order or in personal explanation (see below).
 - 1. **On a point of order:** A Councillor shall be entitled to be heard forthwith. Any other Councillor then speaking shall be silent. A point of order shall relate only to an alleged breach of these Council procedure rules or a statutory provision, and the Councillor shall specify which rule or statutory provision, and the way in which they consider it has been contravened. The Councillor's remarks shall be confined to the point of order.
 - 2. **On a point of personal explanation:** A Councillor shall be entitled to be heard forthwith. Any other Councillor then speaking shall be silent. A point of personal explanation shall be confined to some part of a speech which may have been misunderstood, or to some statement or act wrongly attributed to the councillor. In making such explanation, the Councillor must confine their remarks strictly to that point and must not refer to other matters, nor endeavour to elaborate a former speech by new arguments, or reply to other Councillors.
- (d) The following may be moved without prior notice:
 - 1. Election of a Chair for the meeting (if absent) and/or to invite the Vice-Chair, if present, to take the chair.
 - 2. Motions relating to the accuracy of the minutes.
 - 3. That an item or items of business specified in the agenda shall have precedence
 - 4. That a report, recommendation or amendment be withdrawn.
 - 5. To move an amendment to a recommendation.
 - 6. That the meeting proceed to the next business.
 - 7. That the recommendation/amendment be now put.
 - 8. That the meeting or debate be now adjourned.
 - 9. Point of Order.
 - 10. Point of personal explanation.

~~⁹Excepting the Cabinet, to which the Executive Procedure Rules shall apply~~

11. Suspension or variation of Council Procedure Rules (except those of statutory effect).
 12. A motion under Section 100(A) of the Local Government Act 1972 to exclude the public.
 13. That a Councillor named be no longer heard.
 14. Inviting a Councillor to remain after declaring an interest under the terms of the Code of Conduct.
 15. To suspend the meeting
- (e) **On a motion to adjourn the meeting or debate:** Unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall put the adjournment motion to the vote. If the motion is passed, consideration of the matter(s) under discussion shall stand adjourned to a further meeting.
- (f) **On a motion to proceed to next business:** Unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall put the motion to proceed to the next business to the vote.
- (g) A Councillor may move an amendment to any recommendation. Such amendments shall require a seconder and shall, if required, be put in writing to the Chair before discussion.
- (h) Only one amendment shall be discussed at a time. If an amendment is lost, other amendments may be moved on the original recommendation. If an amendment is carried, the recommendation as amended shall take the place of the original recommendation and shall become the substantive recommendation upon which any further amendments may be moved.

217. DECLARATIONS OF INTEREST¹⁰

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

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

¹⁰ This Rule shall apply to all Council, Executive, Regulatory, Policy and Accountability Committee or any other Council Committee meetings.

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

1822. ORDER AT COUNCIL AND COMMITTEE MEETINGS

- (a) Councillors shall abide by the provisions of the Code of Conduct and the ruling of the Mayor/Chair on all matters.
- (b) If at a meeting any Councillor is guilty of misconduct by persistently disregarding the ruling of the Mayor/Chair, behaving improperly or irregularly, persistently heckling, using racist or sexist language or obstructing the business of the meeting, the Mayor/Chair or any Councillor may move "That the Councillor named be not further heard." If the motion is seconded, it shall be put and determined without discussion.
- (c) If the Councillor named continues misconduct, after a motion under (b) is carried, and does not heed a further warning from the Mayor/Chair, the Mayor/Chair shall be empowered to require the Councillor to leave the meeting.
- (d) The Mayor/Chair may at their discretion suspend the meeting for such period of time that they consider expedient.
- (e) In the event of general disturbance which in the opinion of the Mayor/Chair renders the due and orderly despatch of business impossible, the Mayor/Chair may, without the question being put, suspend the meeting for such period of time that they consider expedient and so announces.
- (f) The Mayor/Chair, in the event of a continuous disturbance which renders the orderly despatch of business impossible, may order the clearance of the public galleries and/or the removal of individuals from the meeting or room.
- ~~(g) Smoking shall not be permitted during any Council, Executive, Regulatory, or Policy and Accountability Committee or any other Council Committee meetings.~~
- ~~(h) Consumption of drink, other than tea, coffee, and water, shall not be permitted during a Council meeting.~~
- ~~(i) Meetings of the Council may be preceded by prayers.~~
- ~~(j) Each Member shall ensure that their mobile devices are on silent or switched off during any meeting. If on silent, that their use of such equipment does not interfere with the proper conduct of the meeting.~~
- ~~(k) Meetings will be automatically suspended in the event of a fire evacuation or a similar event.~~

19. RECORDING AND FILMING AT MEETINGS

~~(a)18.1~~ ~~(g)~~ The Council will provide reasonable facilities for any member of the public to report on meetings that are open to the public:

- (i) Members of the public may film, photograph or record for social media any meeting of the Council that is open to the public. Members of the public wishing to do so are asked to make themselves known to Council officers so that appropriate provisions can be made.
- (ii) Private meetings or discussions of agenda items containing exempt or confidential information (as defined by paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended) may not be filmed or recorded.
- (iii) Filming and photography may not be allowed when young or vulnerable people are speaking or in attendance.
- (iv) Filming and photographing should be conducted using hand-held devices and carried out in a way which is conducive to the good order and conduct of the meeting.
- (v) Attendees should be informed that a meeting is being photographed, filmed or recorded.
- (vi) The Mayor or Chair of the meeting may order that filming or photography must stop if it is being disruptive to the conduct of the meeting.
- (vii) Larger film crews with roving cameras are obliged to agree authorisation at least one working day before the meeting commences.
- (ix) Recordings of meetings can be shared online; however if they are edited to misrepresent proceedings, the Council may request that the recordings be removed.

~~(i) Smoking shall not be permitted during any Council, Executive, Regulatory, or Policy and Accountability Committee or any other Council Committee meetings.~~

~~(j) Consumption of drink, other than water, shall not be permitted during a Council meeting.~~

~~(k) Meetings of the Council may be preceded by prayers.~~

~~(l) Each Member shall ensure that their mobile devices are on silent or switched off during any meeting. If on silent, that their use of such equipment does not interfere with the proper conduct of the meeting.~~

2023. ADMISSION/EXCLUSION OF PRESS AND PUBLIC

- (a) Council, Executive and Policy and Accountability Committee meetings shall be open to the press and public, unless they are excluded by a resolution under this paragraph, or under the provisions of the Access to Information Procedure Rules set out elsewhere in the Constitution, or for disorder.
- (b) Applicants or their agents and people who have commented on a planning application are able to speak at meetings of the Planning and Development Control Committee where the application is being considered, in accordance with the Public Speaking at Planning and Development Control Protocol in

Part 5 of the Constitution. Written petitions made on a planning application are incorporated into the officer report to the Planning and Development Control Committee. Petitioners, as members of the public, are welcome to attend meetings, but are not permitted to speak. They can, however, be represented by their Ward Councillor, who may address the Committee. Deputation requests are not accepted on applications for planning permission.

214. MOTION TO CLOSE MEETING¹¹

214.1 A Councillor may move without comment at the conclusion of a speech, to close the meeting. After the motion is seconded the Chair shall proceed as follows:

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

225. GUILLOTINE PROVISIONS

225.1 All Council, Executive, Policy and Accountability Committee, Regulatory Committee and other Committee meetings (with the exception of Personnel, Planning, Adoption, Licensing, and Appointments Panels) shall end after three hours (“the guillotine”).

225.2 The time elapsed during any suspension of a meeting shall be added to extend the time at which the following provisions come into effect:

- (a) At that time, or at any other time when a motion to close the meeting has been successfully carried;
- (b) No further points of order shall be raised except by the Mayor/Chair; except that Councillors may declare an interest in any remaining items of business;
- (c) The Mayor/Chair shall then interrupt the discussion of the item before the meeting;
- (d) Unless the mover of a motion then under discussion seeks leave to withdraw it, the Mayor/Chair shall allow them a right of reply to the debate;
- (e) Unless the motion or item of business then under discussion is withdrawn, the Mayor/Chair shall put, without further discussion, all the questions necessary to dispose of it;

¹¹ This Rule applies only to meetings of the Council.

- (f) The Mayor/Chair shall put without discussion, all the questions necessary to complete consideration of any remaining items on the agenda;
- (g) Finally, the Chair shall close the meeting.

225.3 Prior to the guillotine provision coming into effect, where the Council, Executive, Policy and Accountability Committee, Regulatory Committee or other Council Committee believes that a specific extension of time is warranted, this may be agreed by a resolution to extend the guillotine for a specified period. There is no limit to the number of extensions which may be agreed under this rule for Regulatory or Policy and Accountability or any other Council Committee, but at a Council meeting only one extension shall be allowed. No motion to extend the guillotine shall be permitted once the guillotine has fallen.

236. SUSPENSION OF RULES

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

247. INTERPRETATION

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

248. REMOTE MEETINGS

248.1 Where legislation allows, meetings may be held using digital means (i.e. video or telephone conferencing). This means meetings can be held in person, virtually, or with some people attending in person and some people attending virtually.

Petitions Scheme

1. INTRODUCTION

- ~~1.1 This Petitions Scheme was approved by the Council under the provisions of Section 11(1) of the Local Democracy, Economic Development and Construction Act 2009. It incorporates procedures to comply with the requirement under the act for the Council to set up an e-petitions scheme.~~
- ~~1.2 This scheme, which is available on the Council's website, will be updated periodically in response to experience with the scheme, guidance from the Government or changes in legislation. The scheme will be reviewed annually as set out in Section 14 below.~~
- 1.13 The Council has appointed a petitions officer, who will receive petitions and from whom further information and advice can be obtained. You can contact the petitions officer by e-mail: governance@lbhf.gov.uk, or by post at: Petitions Officer, Governance & Scrutiny, Hammersmith Town Hall, King Street, London, W6 9JU.

2. PRINCIPLES

- ~~12.24~~ The Council welcomes petitions, either in paper form (see the form at the end of this document) or submitted via e-mail or through our e-petitions online facility. ~~We accept petitions as a way in which people can let us know of their concerns and the degree of local support for what we do.~~ We have agreed special procedures to ensure that all valid petitions are reported to an appropriate body within the Council.
- ~~2.2 We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition. Valid petitions, whether received by post, by hand, by e-mail or submitted in person or via our e-petitions online facility, will be accepted in accordance with this Scheme.~~
- 12.3 A petition can be open for signature up to a maximum of 90 days, ~~unless an extension is agreed with the petition organiser~~; most will be responded to much sooner.

23. WHO CAN SUBMIT A PETITION?

- 23.1 Anybody who lives, works or studies in the borough may organise, submit or sign a petition.

34. WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION?

- 34.1 A valid petition submitted to the Council must:
- Relate to something which is the Council's responsibility, or which the Council has some influence over – the Council has close working relationships and, often, partnership agreements, with a wide range of

public organisations operating in the borough and across London. These organisations include the Hammersmith and Fulham Primary Care Trust, the local emergency services, the West London Waste Authority, and Transport for London as it operates in the borough.

- Be a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.
- Have the names, addresses and signatures of the people who support the petition (name, address and valid e-mail address if the petition is submitted via e-mail or via the E-petition facility). The address might be a residential, work place or study location within the borough, with a valid postcode.
- Meet defined thresholds for numbers of signatures of people who live, work or study in the borough. (See section 9 below).
- Contain contact details, including an address, of the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on our website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.
- Not, in the Council's opinion, be vexatious, abusive or otherwise inappropriate.
- Not relate to planning or licensing decisions or to any other matter where people have a statutory right to make comments, or to request a review or to appeal.

45. HOW TO SUBMIT A PETITION

45.1 Petitions may be submitted by e-mail, post, in person at the Town Hall, or through our e-petitions website. All petitions currently available for signature will be shown on our website. We reserve the right to check the validity of the addresses of anyone who signs a petition to ensure that they have a real interest in the borough.

45.2 Organisers of petitions can visit our website to submit a petition online or download the petition form. The Petitions Officer can be contacted in the following ways:

Email: governance@lbhf.gov.uk

Address:

Petitions Officer,
Governance & Scrutiny,
Hammersmith Town Hall,
King Street,
W6 9JU

~~5.3 — We welcome e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. On receipt of details from a person wanting to sign an e-petition, we will send an e-~~

~~mail to the e-mail address provided. This e-mail will include a link which must be clicked in order to confirm the e-mail address is valid. Once this step is complete, the 'signature' will be added to the e-petition. People visiting the e-petition on our website will be able to see the names of everyone who has 'signed' it but not their contact details.~~

~~5.4— All petitions currently available for signature will be posted on the Council's website. The website shows what is happening to a petition as it goes through the various stages of the process set out in this scheme. It will take five working days before a petition is available on our website. This is because the content of the petition needs to be checked as to whether it is suitable, and the petitioners' names verified to ensure they have a genuine interest in the borough. It will then be made available on the website for further signatures.~~

~~5.5— Elected Members of the London Borough of Hammersmith and Fulham may sign a petition but will need to follow the Council's rules about declaring an interest if they are involved in decision making in response to the petition.~~

~~6.— WHAT IS EXCLUDED FROM THE SCHEME?~~

~~6.1— The following petitions will be excluded from the scheme:-~~

- ~~● Where a petition is considered to be vexatious, abusive or otherwise inappropriate.~~
- ~~● The petition applies to a planning or licensing application, where there are already procedures to make representations.~~
- ~~● The petition is a statutory petition (for example requesting a referendum on having an elected Mayor).~~
- ~~● The petition concerns a matter where there is already an existing right of appeal, such as Council Tax banding and non-domestic rates, where other procedures apply.~~
- ~~● The petition concerns a matter which the Council has no ability to influence (see section 11 below)~~

~~6.2— Invalid petitions will not be published. An explanation with the reasons for this will be sent out to the petition organiser.~~

~~6.3— In the period immediately before an election or referendum, the Council may need to deal with petitions differently. This is because the law requires local authorities during the period before an election or referendum to act in a way which does not appear to favour or discriminate any political party.~~

~~6.4— Where the petition is valid but the Council cannot publish it for some reason, we will contact the petition organiser with an explanation, and advise on how to change the petition in order to overcome the problem. If the petition is not resubmitted within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.~~

57. WHAT WILL THE COUNCIL DO WHEN IT RECEIVES A PETITION?

- 57.1** The Petitions Officer will send a valid petition to a Responding Officer in the relevant Council department. The Responding Officer will be responsible for investigating the issue and advising on the action to be taken by the Council. An acknowledgement of receipt will be sent to the person organising the petition within ~~510~~ 510 working days of the petition having been made. Where the petition has been submitted via the E-petitions facility, the acknowledgment will also be sent to everyone who provides a valid e-mail address. The acknowledgement will say what we have done or intend to do in response to the petition. It will also be published on our website, except in cases where this would be inappropriate. The petition will be copied to the relevant Ward Councillor(s).
- 57.2** We want to ensure that petitions are clearly and effectively worded. We will therefore offer help to petition organisers to enable them to make their petitions as focused as possible, in the interests of getting a response from the Council which addresses petitioners' concerns. If we feel there are other ways of getting a quicker and more satisfactory response to the subject of the petition, we will suggest them. We may therefore contact the petition organiser about these issues before the acknowledgment is sent or afterwards.
- 57.3** If the Council can do what the petition asks for, the acknowledgement may confirm that the requested action has been taken (or will be taken by a specified date) and the petition organiser will be asked to agree to the closure of the petition, either immediately or after the specified date.
- 57.4** If the petition has enough signatures to trigger a Council debate (see paragraph 9.1 below), or the petitioners want a senior officer to give evidence (see paragraph 9.3 below), then the acknowledgement will confirm this and state when and where the meeting will take place. If the subject of the petition needs more investigation, the petition organiser will be informed of the steps the Council plans to take.

~~8. HOW WILL THE COUNCIL RESPOND TO PETITIONS?~~

- ~~8.1 The response to a petition will depend on what the petition asks for and how many people have signed it, but may include one or more of the following:~~
- ~~• taking the action requested in the petition~~
 - ~~• considering the petition at a Council meeting~~
 - ~~• holding an inquiry into the matter~~
 - ~~• undertaking research into the matter~~
 - ~~• holding a public meeting~~
 - ~~• holding consultation~~
 - ~~• holding a meeting with petitioners~~

- ~~• referring the petition for consideration by one of the Council's Policy and Accountability Committees~~
- ~~• writing to the petition organiser setting out our views about the request in the petition~~
- ~~• resolve that the content of the petition be taken into account when reaching a decision on the relevant report.~~

~~Policy and Accountability Committees are committees of Councillors who are responsible for policy development and for scrutinising the work of the Council – in other words, they have the power to hold the Council's decision-makers to account.~~

69. TYPES OF PETITION

a. Petitions for debate at Council

69.1 If a petition attracts a minimum of **5,000 valid signatures** this will usually trigger a debate at a Full Council meeting.

69.2 The petition organiser (or someone they nominate) may address the Council for no longer than five minutes on the subject of the petition. The Petitions Officer will contact the petition organiser in advance of the meeting to arrange this. Councillors may question all parties on the subject of the petition.

~~**b. Petitions to call an officer to give evidence**~~

~~9.3 The petition may ask for the Chief Executive or an Executive Director to give evidence at a relevant Policy and Accountability Committee meeting about something for which the officer is responsible as part of their job. A minimum of **2,000 valid signatures** will be required to trigger this action. For example, the petition may ask an Executive Director to explain progress on an issue, or to explain the advice given to elected Members to enable them to make a particular decision. The Policy and Accountability Committee may decide that it would be more appropriate for another officer to give evidence instead of the senior officer named in the petition. The Committee may also decide to call a Cabinet Member or other Councillor to attend the meeting.~~

~~9.4 The petition organiser (or someone they nominate) may address the Policy and Accountability Committee for no longer than five minutes on the subject of the petition. The Petition Officer will contact the petition organiser in advance of the meeting to arrange this. Policy and Accountability Committee members will question all parties on the subject of the petition.~~

c.b. Petitions to Cabinet

69.5 A petition with a minimum of **250 valid signatures** will be considered at ~~a the~~ nearest possible meeting of the Cabinet ~~(the Council's top decision-making body). Cabinet meets monthly (though usually not in August). The Cabinet will try to consider the petition at its next scheduled meeting, although on some~~

~~occasions this may not be possible and the petition may have to be deferred to the following meeting.~~

69.6 The petition organiser (or someone they nominate) may address the Cabinet for no longer than five minutes on the subject of the petition. The Petition Officer will contact the petition organiser in advance of the meeting to arrange this. Cabinet Members will question all parties on the subject of the petition.

d.c. Petitions to a Cabinet Member

69.7 Petitions with a minimum of **100 signatures** will be considered by the relevant Cabinet Member(s). Each member of the Council’s Cabinet holds Executive responsibility for a specific portfolio of Council functions. A Cabinet Member may refer a petition to the full Cabinet for consideration if they are of the view that the matters raised are sufficiently significant.

69.8 The Cabinet Member may request a meeting with the petition organiser (or someone they nominate) to discuss the subject of the petition. The Petitions Officer will contact the petition organiser in advance to arrange this.

69.9 Summary of Petition Types, Requirements and Decision Maker.

Type of Petition	Threshold (minimum number of signatories)	Decision Maker
Council Debate	5,000	Full Council
Call an Officer to give evidence	2,000	Policy and Accountability Committee
Petitions to Cabinet	250	Cabinet
Petitions to Cabinet Members	100	Relevant Cabinet Member(s)

710. NOTIFYING THE DECISION TAKEN IN RESPONSE TO A PETITION

710.1 All petition organisers will be notified of the ~~decision taken~~Council’s response to their petition within 5 working days of the decision being made (with reasons if the decision is to take no action) within 5 working days of the decision being made. ~~This notification will be published on our website, unless it is considered inappropriate to do so.~~

~~710.2~~ ~~The Council accepts that it will not normally be sufficient for a decision maker to merely “note” a petition. The response to a petition will normally provide information on the steps the Council intends to take to address the concerns of the petitioners or reasons why their concerns cannot be addressed in the way they wish.~~

~~11. WHAT WILL THE COUNCIL DO IF THE PETITION IS NOT DIRECTLY RELATED TO SERVICES PROVIDED BY IT?~~

~~11.1~~ 744.1 If the petition is about something which the Council has no power to influence, we will consider making representations on behalf of the community to the relevant body. In such cases, the Petitions Officer will ask the petition organiser whether they wish the Council to send the petition to the relevant authority if this is possible or may refer the matter to a Policy and Accountability Committee.

~~11.2~~ However, in many cases where the Council is not directly responsible for the matter which is the subject of the petition, it may work closely (or have formal partnership arrangements) with the body that is responsible (see para. 4.1 above). In this case, the decision maker may refer the matter to a Policy and Accountability Committee which will invite representatives of the relevant body to attend while the petition is considered.

~~11.3~~ If the petition is about something that a different Council is responsible for, the Council will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event the Council will notify the petition organiser of the action taken.

~~12. WHAT CAN PETITIONERS DO IF THEY ARE NOT SATISFIED WITH THE RESPONSE TO A PETITION?~~

~~12.1~~ If the petitioners are not satisfied with the Council's decision in response to a petition, the petition organiser can request the Policy and Oversight Board to review whether the Council's decision is adequate, by e-mailing or writing to the Petitions Officer. This should be done within 28 days of the Council's response being received by the petition organiser, who should provide a short explanation of the reasons why the Council's response to the petition was not considered to be adequate.

~~12.2~~ The Policy and Oversight Board will call for a report from officers on the request for a review of the Council's decision, and will endeavour to consider the request at its next scheduled meeting; on some occasions this may not be possible and consideration will be deferred to the following meeting. Should the Policy and Oversight Board determine the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Cabinet and arranging for the matter to be considered at a meeting of Full Council.

~~12.3~~ The petition organiser (or someone they nominate) may address the Policy and Oversight Board for no longer than five minutes on the subject of the petition. The Petitions Officer will contact the petition organiser in advance of the meeting to arrange this. Board members will question all parties on the subject of the petition.

~~12.4—The petition organiser will be informed of the results of the Policy and Oversight Board's review of the Council's decision on the petition, with reasons as to why no action or any further action is recommended, within 5 working days of the Board's meeting. This notification will be published on the Council's website, unless it is considered inappropriate to do so.~~

813. ATTENDING A MEETING WHERE A PETITION IS BEING CONSIDERED

813.1 A petition may be considered at a formal meeting of the full Council, Cabinet or Policy and Accountability Committee.

813.2 Receiving of petitioners at a formal meeting

- (i) People who have signed a petition may attend a meeting where the petition is being considered. The petition organiser will be given adequate notice of the date and time of the meeting.
- (ii) The petition organiser (or one person nominated by them) may address the meeting for a period not exceeding 5 minutes.
- (iii) Members may during a period not exceeding 10 minutes ask questions of a petition organiser (or nominee) if required.
- (iv) Members may then invite officers of the Council and/or representatives of other relevant authorities to comment on the subject of the petition.
- (v) The Committee will then debate the subject of the petition for a maximum of 30 minutes, taking into account the issues raised by the petitioners, officers and representatives of other relevant authorities. Petitioners may remain for the duration of the debate if they so wish.

813.3 Limitation on the number of petitioners attending a formal meeting

The Chair of the meeting reserves the right to limit the number of petitioners present at a meeting to maintain order and/or to allow sufficient time for other business specified on the agenda.

914. ANNUAL REPORT ON THE OPERATION OF THE SCHEME

914.1 The Council will receive an annual report detailing the subject matter of all petitions received during the year, the number of signatures to each petition and a summary of the Council's response to each. Changes to the Scheme will be recommended as necessary in the light of experience with its operation.

Access to Information Procedure Rules

~~1. SCOPE~~

- ~~1.1 These rules apply to all meetings of the Council, Policy and Accountability Committees, Area Committees (if any), Regulatory Committees and Panels, and public meetings of the Executive (together called meetings).~~
- ~~1.2 Certain rules also apply to Executive decisions taken by individual members of the Executive.~~

~~2. ADDITIONAL RIGHTS TO INFORMATION~~

- ~~2.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.~~

~~3. RIGHTS TO ATTEND MEETINGS~~

- ~~3.1 Members of the public may attend all meetings subject only to the exceptions in these rules or specified elsewhere in this Constitution (See Council Procedure Rules).~~

~~4. NOTICES OF MEETING~~

- ~~4.1 Subject to Rule 13 in relation to meetings of the Executive and its Committees, the Council will give at least **five clear days**' notice of any public meeting (defined as meaning working days, and excluding the day of publication of the agenda and the day of the meeting, weekends and bank holidays) by posting details of the meeting on the Council's website.~~

~~5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING~~

- ~~5.1 Subject to Rule 15 in relation to meetings of the Executive and its Committees, the Council will make copies of the agenda and those reports open to the public available for inspection on the Council's website at least five clear days before the meeting. If an item is added to an agenda later, the revised agenda will be open to inspection from the time the item is added to the agenda. Where reports already included on an agenda are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.~~
- ~~5.2 The proper officer may exclude from the copy of any report made available for public inspection any part which, in the proper officer's opinion, relates to matters likely to be considered in a private meeting.~~

6. ~~SUPPLY OF COPIES~~

~~6.1 The Council will make available at all meetings referred to in Rule 1 copies of the relevant agenda and reports (except those which will be considered in private) for use by the public.~~

~~6.2 The Council will also supply copies of:~~

- ~~(i) any agenda and reports which are open to public inspection;~~
- ~~(ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and~~
- ~~(ii) if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item.~~

~~to any person on payment of a charge for copying, postage and any other costs.~~

7. ~~ACCESS TO DOCUMENTS AFTER THE MEETING~~

~~7.1 The Council will make available for public inspection the following for a period of at least six years after a meeting:~~

- ~~(a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was held in private or which disclose exempt or confidential information;~~
- ~~(b) a summary of any proceedings held in private where the minutes open to inspection would not provide a reasonably fair and coherent record;~~
- ~~(c) the agenda for the meeting; and~~
- ~~(d) reports relating to items when the meeting was open to the public.~~

~~7.2 These documents will be available on the Council's website for inspection or printing by members of the public, or for supply by post as requested, on payment of postage, copying or other relevant charges.~~

8. ~~BACKGROUND PAPERS~~

8.1 ~~List of background papers~~

~~8.2 The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:~~

- ~~(a) disclose any facts or matters on which the report or an important part of the report is based; and~~
- ~~(b) which have been relied on to a material extent in preparing the report not including published works or those which disclose exempt or confidential information (as defined in Rule 10 below) and, in respect of reports for decision by the Executive or individual members thereof, the advice of a political adviser.~~

~~Public inspection of background papers~~

~~8.2 The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.~~

~~8.3 In the case of decisions made at a meeting of the Executive or its Committees, background papers (apart from those which disclose exempt or confidential information as defined in Rule 10) will be available for inspection by members of the public at least five clear days before the meeting, or at the time when the meeting is convened if this is at shorter notice.~~

~~8.4 Background papers will be made available for public inspection via the Council's website, or at Hammersmith Town Hall during normal business hours for printing by members of the public or for supply by post as requested, on payment of postage, copying or other relevant charges.~~

~~9. SUMMARY OF PUBLIC'S RIGHTS~~

~~9.1 A summary of the public's rights to attend meetings and to inspect and copy documents will be available on the Council's website.~~

~~10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS~~

~~Confidential information – requirement to exclude public~~

~~10.1 The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that confidential information would be disclosed in breach of the obligation of confidence.~~

~~Exempt information – discretion to exclude public~~

~~10.2 The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that exempt information would be disclosed provided that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The public may also be excluded from meetings where, as a result of disruption caused by them, the meeting is unable to properly discharge its functions.~~

~~10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public, unless a private hearing is necessary for one of the reasons specified in Article 6 of the Human Rights Act.~~

~~10.4 The meeting will pass a resolution to exclude the public during discussion of items which are confidential or exempt. The resolution will identify why such~~

~~items are to be treated as confidential or exempt in accordance with Rules 10.5 and 10.6 below.~~

~~Meaning of confidential information~~

~~10.5 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure, or information which cannot be publicly disclosed by Court Order.~~

~~Meaning of Exempt Information~~

~~10.6 Exempt information means information falling within any of the 7 categories of exempt information specified below (and subject to any qualifications detailed thereon), as may be amended from time to time by regulations:~~

~~Access to Information Act~~

~~Exempt Categories of Information – Schedule 12a, Local Government Act 1972~~

- ~~1. Information relating to any individual.~~
- ~~2. Information which is likely to reveal the identity of an individual.~~
- ~~3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).~~
- ~~4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.~~
- ~~5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.~~
- ~~6. Information which reveals that the authority proposes –~~
 - ~~(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or~~
 - ~~(b) to make an order or direction under any enactment.~~
- ~~7. Information relating to any action taken or proposed to be taken in connection with the prevention, investigation or prosecution of crime.~~

~~Qualifications:~~

- ~~10.7 Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it requires to be registered under:~~
- ~~(a) The Companies Act 1985,~~
 - ~~(b) The Friendly Societies Act 1974,~~
 - ~~(c) The Friendly Societies Act 1992,~~
 - ~~(d) The Industrial & Provident Societies Act 1965 to 1978,~~
 - ~~(e) The Building Societies Act 1986, or~~
 - ~~(f) The Charities Act 1993.~~

~~10.8 Information is not exempt information if it relates to proposed development for which the local Planning authority may grant itself Planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.~~

~~10.9 Information which—~~

~~(a) falls within any of categories in 1 - 7 of paragraph 10.6 above; and~~

~~(b) is not prevented from being exempt by virtue of paras.10.7 or 10.8~~

~~is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.~~

~~11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS~~

~~11.1 If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports (or parts of reports) which in their opinion relate to items during which, in accordance with Rule 10 above, the meeting is likely to be held in private. Such reports (or parts thereof) will be marked "Not for publication", together with the category of information likely to be disclosed as set out in Rule 10. Reports which are marked "draft" are not open to public access.~~

~~12. APPLICATION OF RULES TO THE EXECUTIVE~~

~~12.1 Rules 13—24 apply to the Executive and its Committees. If the Executive or its Committees meet to take a Key Decision then it must also comply with Rules 1—11 unless Rule 16 (General Exception) or Rule 17 (Special Urgency) apply. A Key Decision is as defined in Article 12.3 of this Constitution.~~

~~13. PROCEDURE BEFORE TAKING KEY DECISIONS~~

~~13.1 Subject to Rule 16 (General Exception) and Rule 17 (Special Urgency), a Key Decision may not be taken unless:~~

~~(a) a notice (called here a Key Decisions list) has been published on the Council's website in connection with the matter in question stating:~~

~~(i) the matter in respect of which a Key Decision is to be made; and~~

~~(ii) the date on which the Key Decision is to be made; and~~

~~(iii) the names of the members of the Executive making the Key Decision; and~~

~~(iv) a list of documents to be submitted in relation to the Key Decision as set out in Rule 8 and how copies of such documents and other relevant documents (if not exempt) can be obtained.~~

~~(b) at least 28 calendar days have elapsed since the publication of the Key Decisions list (not including the day of publication or the day the decision is to be taken); and~~

~~(c) where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings); or, if the meeting is convened at shorter notice, at the time that the meeting is convened.~~

14. PROCEDURE BEFORE TAKING KEY DECISIONS IN PRIVATE

14.1 In accordance with Article 3 - 1.3(b) of this Constitution, the Executive and its Committees may take a decision at a private meeting only if:

- (a) a notice has been published on the Council's website setting out the reasons why the meeting is to be held in private, and at least 28 calendar days have elapsed since the publication of the notice (not including the day of publication or the day the decision is to be taken); and
- (b) at least 5 clear days have elapsed since the publication of a further notice on the Council's website setting out the reasons why the meeting is to be held in private, details of any representations received by the Council about why the meeting should be open to the public, and the Council's response to any such representations.

14.2 If the date by which a private meeting must be held makes compliance with 14.1 above impracticable, the decision may only be taken if:

- (a) the Chair of the body making the decision obtains the agreement of the Chair of a relevant Policy and Accountability Committee that the meeting is urgent and cannot reasonably be deferred. If there is no Chair of a relevant Policy and Accountability Committee, or if the Chair of each relevant Policy and Accountability Committee is unable to act, then the agreement of the Mayor, or in their absence, the Deputy Mayor, will suffice; ~~and~~

~~(b) a notice setting out the reasons why the private meeting is urgent and cannot reasonably be deferred is published on the Council's website as soon as reasonably practicable after such agreement has been obtained.~~

~~15. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING~~

~~15.1 If a meeting of the Executive or its Committees is convened at shorter notice than specified in Rule 4, the Council will make copies of the agenda and reports open to the public available for inspection on the Council's website from the time the meeting is convened.~~

216. GENERAL EXCEPTION

246.1 If a matter which is likely to be a Key Decision has not been included in the Key Decisions list, then subject to Rule 17 (Special Urgency), the decision may still be taken if:

- (a) the proper officer has informed the Chair of a relevant Policy and Accountability Committee, or if there is no such person, each member of that Committee, in writing, by notice, of the matter about which the decision is to be made and the reason why the matter should be classified as urgent;
- (b) the proper officer has made copies of that notice available to the public on the Council's website; ~~stating why the requirements of Rule 13 cannot be complied with; and~~
- (c) at least 5 clear days have elapsed since the proper officer complied with (b).

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

347. SPECIAL URGENCY

347.1 If by virtue of the date by which a decision must be taken Rule 16 (General Exception) cannot be followed, then the decision can only be taken if the decision maker (if an individual), or the Chair of the body making the decision:

- (a) obtains the agreement of the Chair of a relevant Policy and Accountability Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of a relevant Policy and Accountability Committee, or if the Chair of such relevant Policy and Accountability Committee is unable to act, then the agreement of the Mayor, or in their absence, the Deputy Mayor, will suffice; and
- (b) the proper officer makes available on the Council's website a notice setting out why the decision is urgent and cannot reasonably be deferred.

347.2 The Leader will submit quarterly reports to the Council on the Executive decisions which have been taken in the circumstances set out in this Rule during the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

~~18. POLICY AND ACCOUNTABILITY COMMITTEES' POWERS IN RELATION TO THE EXECUTIVE~~

~~When a Policy and Accountability Committee can require a report~~

- ~~18.1~~ If a Policy and Accountability Committee thinks that a Key Decision has been taken which was not:
- ~~(a)~~ included in the Key Decisions list; or
 - ~~(b)~~ the subject of the general exception procedure; or
 - ~~(c)~~ the subject of an agreement with a relevant Policy and Accountability Committee Chair, or the Mayor, or in their absence, the Deputy Mayor, under Rule 17;
- ~~18.2~~ the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the proper officer, who shall require such a report on behalf of the Committee when so requested by majority vote. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Policy and Accountability Committee.

~~Executive's report to Council~~

- ~~18.3~~ The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

419. RECORD OF EXECUTIVE DECISIONS

- 419.1** After any meeting of the Executive or any of its Committees, or of any Executive Members, whether held in public or private, the proper officer, or where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision, details of any alternative options considered and rejected at that meeting, a record of any conflict of interest in relation to the decision and any note of dispensation granted by the Head of Paid Service.

~~20. RECORD OF DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE~~

- ~~20.1~~ As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive, they will prepare, or instruct the proper officer to prepare, a record of the decision and the reasons for it, details of any alternative options considered and rejected in making the

~~decision, a record of any conflict of interest declared by any other member of the Executive who is consulted by the Executive member in relation to the decision, and any note of dispensation granted by the Head of Paid Service.~~

~~10.2 The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information.~~

~~21. INSPECTION OF DOCUMENTS RELATING TO EXECUTIVE DECISIONS AND DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE~~

~~21.1 The proper officer will make available for public inspection the records described in Rules 19 and 20, together with those reports relating to Executive Decisions and decisions made by individual members of the Executive (apart from those which disclose exempt or confidential information as defined in Rule 10).~~

~~21.2 These records and reports will be made available via the Council's website or at Hammersmith Town Hall during normal business hours for printing by members of the public or for supply by post as requested, on payment of postage, copying or other relevant charges.~~

~~22. POLICY AND ACCOUNTABILITY COMMITTEES' ACCESS TO DOCUMENTS~~

~~Rights to copies~~

~~22.1 Subject to Rule 23.2 below, a Policy and Accountability Committee (including its sub-committees or Panels) will be entitled within 10 clear working days of making the request to copies of any document which is in the possession or control of the Executive or its Committees and which contains material relating to~~

- ~~(a) any business transacted at a public or private meeting of the Executive or its Committees; or~~
- ~~(b) any decision taken by an individual member of the Executive.~~

~~Limit on rights~~

~~22.2 A Policy and Accountability Committee will not be entitled to:~~

- ~~(a) any document that is in draft form;~~
- ~~(b) any document or part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise as part of a forward programme of work; or~~
- ~~(c) any document containing the advice of a political adviser.~~

~~22.3 In cases where a document or part of a document is withheld from a member of a Policy and Accountability Committee for the reasons set out in (b) or (c)~~

~~above, the members of the Policy and Accountability Committee will be provided with the reasons in writing.~~

~~23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS~~

~~Material relating to current and previous business~~

~~23.1 Subject to Rule 23.2, all Members will be entitled to inspect any document which relates to any business to be considered at a meeting of the Executive or its Committees at least five clear days before the relevant Executive meeting, with the exception of any document which contains the advice of a political adviser. Where the meeting is convened at shorter notice, such documents will be available for inspection when the meeting is convened. Where reports already included on an agenda are prepared after the summons has been sent out, the proper officer shall make each such report available to members or as soon as the report is completed.~~

~~Material relating to Executive Decisions taken in private~~

~~23.2 All members will be entitled to inspect any document which contains material relating to any key decision considered at a private meeting (except those available only in draft form) within 24 hours of the decision being made, unless either (a) or (b) below applies.~~

~~(a) it contains exempt information falling within paragraphs 1, 2, 3, (only to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract) 4 and 7, of the categories of exempt information set out in Rule 10.4; or~~

~~(b) it contains the advice of a political adviser.~~

~~Material relating to decisions made by individual members of the Executive~~

~~23.3 All members will be entitled to inspect any document which contains material relating to any decision made by an individual member of the Executive (except those available only in draft form) within 24 hours of the decision being made, unless either (a) or (b) below applies.~~

~~(a) it contains exempt information falling within paragraphs 1,2,3, (only to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract) 4 and 7, of the categories of exempt information set out in Rule 10.6; or~~

~~(b) it contains the advice of a political adviser.~~

~~Members' Common Law Rights to information~~

~~23.4 In addition to the above provisions, a member may be entitled at common law to have access to information held by the Council in order to carry out his or~~

~~her duties as a member. Requests for documents under this paragraph shall be made in writing to the relevant Chief Officer and specify:~~

- ~~(i) the documentation requested;~~
- ~~(ii) the reason for requesting the documentation and the uses to which it will be put; and~~
- ~~(iii) where the request is urgent, the reason for urgency.~~

~~23.5 If the Chief Officer is satisfied that the member is entitled to inspect the documentation, they will as soon as reasonably practicable provide the member with a copy of the document, or if it is impracticable to do so, allow the member to inspect the original.~~

~~23.6 If the Chief Officer is of the view that the member is not entitled to the document, then they shall refer the request to the Monitoring Officer, whose decision shall be final.~~

~~Freedom of Information Act 2000~~

~~23.7 Members also share the same rights of access to information as members of the public under the Freedom of Information Act 2000. A request for information under the Act must:~~

- ~~• Be in writing (electronic requests are acceptable)~~
- ~~• Contain a name and address for correspondence~~
- ~~• Describe the information requested~~

~~23.8 The Council will comply with all requests for information under the Act unless one or more of the statutory exemptions apply.~~

~~Confidentiality and restrictions on the use of information~~

~~23.9 Members who receive information from the Council have a responsibility to deal with the information in a responsible manner. Members must be alert to whether the information is confidential. Members should not use information obtained in the course of their official duties and which is not public information, apart from for the specific purpose of fulfilling their work as a member.~~

Budget and Policy Framework Procedure Rules

1. The framework for Executive decisions

- 1.1 The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

2. Process for developing the framework

The process by which the Budget and Policy Framework shall be developed is:

- 2.1 After consulting stakeholders in a manner appropriate to the matter under consideration, the Executive will draw up initial proposals in relation to any plan, strategy or budget which forms part of the Council's budget and policy framework. Once drawn up the proper officer will serve copies of them on the Chairs of relevant Policy and Accountability Committees together with dates when the Executive will consider them further, which shall be at least 6 weeks after service of the notice on the Chairs.
- 2.2 The Policy and Accountability Committee will consider the plan, strategy or budget at its next meeting and decide whether to respond to the Executive's initial proposals and whether any consultation by it is appropriate. If so, the Policy and Accountability Committee will conduct a consultation exercise and will reflect any representations made to it in its response to the Executive within the timescale set for decision by the Executive.
- 2.3 The Executive will finalise its proposals for the Council to consider having taken into account the comments from the Policy and Accountability Committee. The report to Council will show the Executive's response to those comments.

~~2.4—Where the Executive has submitted a draft plan or strategy and the Council has objections to it, the Council must, before amending, approving or adopting it, notify the Leader of its objections and give to him or her instructions requiring the Executive to reconsider the plan or strategy in the light of those objections.~~

~~2.5—Where the Council gives the Leader instructions under paragraph 2.4 it must specify a period of at least 5 working days beginning on the day after the date the Leader receives the instructions during which the Executive may either:~~

- ~~a) submit a revised plan or strategy together with its reasons for any amendments to the Council for its reconsideration; or~~
~~b) inform the Council of any disagreement it has with any of the Council's objections specifying its reasons.~~

~~2.6—When the period specified in paragraph 2.5 has expired the Council must take into account any amendments included in the revised plan or strategy, the~~

~~Executive's reasons for those amendments, any disagreement that the Executive has with any of the Council's objections and the Executive's reason for that disagreement submitted to the Council within the period specified when:~~

- ~~a) amending the draft plan or strategy;~~
- ~~b) approving the plan or strategy for submission to the Secretary of State or Minister of the Crown;~~
- ~~c) adopting the plan or strategy with or without modification.~~

~~2.7—Where before 8 February in any financial year the Executive submits to the Council:~~

- ~~a) estimates of amounts in making any calculation in accordance with sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;~~
- ~~b) estimates of such a calculation; or~~
- ~~c) amounts required to be stated in a precept under Part I of the Local Government Finance Act 1982,~~

~~and following the consideration of those estimates or amounts the Council has any objections to them it must before making a calculation or issuing a precept notify the Leader of its objections and give to him or her instructions requiring the Executive to reconsider those estimates or amounts in the light of those objections and in accordance with the Council's requirements.~~

~~2.8—Where the Council gives the Leader instructions under paragraph 2.7 it must specify a period of at least 5 working days beginning on the day after the date the Leader receives the instructions during which the Executive may either:-~~

- ~~a) submit a revision of those estimates or amounts together with its reasons for any revision to the Council for its reconsideration; or~~
- ~~b) it may inform the Council of any disagreement it has with any of the Council's objections specifying its reasons.~~

~~2.9—When the period specified in paragraph 2.8 has expired, the Council must take into account any amendments made to the estimates or amounts, the Executive's reasons for those amendments, any disagreement that the Executive has with any of the Council's objections and the Executive's reason for that disagreement submitted to the Council within the period specified when making calculations or issuing a precept under the provisions set out in paragraph 2.7.~~

~~2.10—Paragraphs 2.7 to 2.9 shall not apply in relation to calculations in accordance with section 52(I), 52(J), 52(T) or 52(U) or amounts stated in a precept issued to give effect to calculations under section 52(J) or 52(U) of the Local Government Finance Act 1992.~~

~~2.11 The Council shall make its final decision on the matter on the basis of a simple majority. The decision shall be made in public in accordance with Article 4, and shall be implemented immediately.~~

3. Decisions outside the Budget or Policy Framework

3.1 The Executive, committees of the Executive, individual members of the Executive and any officers, Area Committees or Joint arrangements discharging Executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.

3.2 If the Executive, committees of the Executive, individual members of the Executive and any officers, area committees or joint arrangements discharging Executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the Budget or Policy Framework

4.1 The Executive, a committee of the Executive, an individual member of the Executive or officers, area committees or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- a) if it is not practical to convene a quorate meeting of the full Council;
and
- b) if the Chair of a relevant Policy and Accountability Committee agrees that the decision is a matter of urgency.

4.2 The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant Policy and Accountability Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of a relevant Policy and Accountability Committee the consent of the Mayor or, in the absence of both, the Deputy Mayor, will be sufficient.

4.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. ~~In-year changes to policy framework~~

~~5.1—The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive, a committee of the Executive an individual member of the Executive or officers, area committees or joint arrangements discharging Executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals, except by referral to the full Council. The process and limits of authority of decision-takers in respect of amendments to capital and revenue budgets are set out in the Council's Financial Regulations.~~

6. ~~Call-in of decisions outside the budget or policy framework~~

~~6.1—Where a Policy and Accountability Committee is of the opinion that an Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.~~

~~6.2—In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Policy and Accountability Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.~~

~~6.3—If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Policy and Accountability Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall consider the request of the Policy and Accountability Committee at its next meeting. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may EITHER:~~

~~a) endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;~~

~~OR~~

~~b) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual~~

~~responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;~~

~~OR~~

- ~~e) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Chief Finance Officer.~~

Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make Executive decisions?

Executive functions may be discharged by:

- the Executive (Cabinet) as a whole (the Cabinet);
- a Committee of the Executive;
- an individual member of the Executive (Leader, Deputy Leader or Cabinet Members);
- an officer;
- an area committee (not currently included in this Constitution);
- joint arrangements; or
- another local authority.

1.2 Delegation by the Council

At the annual meeting of the Council and at other meetings of the Council as necessary, the Council will receive a report from the Leader about the delegation of executive functions which they have determined for inclusion in the Council's Scheme of Delegation at Part 3 of the Constitution. The document will contain the following information about Executive functions in relation to the coming year:

- the names of the other Councillors appointed to the Executive (Cabinet) by the Leader;
- the extent of any authority delegated to the other Executive Members individually and collectively, including details of the limitation on their authority;
- the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those Executive members appointed to any joint committee for the coming year; and
- the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of executive functions

Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an Executive function, they may delegate further to an area committee, to joint arrangements or to an officer.

Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's scheme of delegation of executive functions

The Council's Scheme of Delegation of executive functions as determined by the Leader will be reported annually to the Council and may only be amended by the Leader. It will contain the details required in Article 7 and set out in Part 3 of the Constitution.

1.5 Conflicts of Interest

Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

If every Member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

If the exercise of an executive function has been delegated to a Committee of the Executive, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the Leader. In the event of this not being possible the matter will stand referred to the Cabinet.

1.6 Executive meetings – when and where?

The Executive (Cabinet) will meet at least 10 times per year at times to be agreed by the Leader. The Executive shall meet at the Council's main offices or another location, or virtually, to be agreed by the Leader.

1.7 Public or private meetings of the Executive

Meetings of the Cabinet shall be held in public except when matters of a confidential or exempt nature are being discussed as provided for in the Access to Information Procedure Rules set out in Part 4 of this Constitution.

1.8 Quorum

The quorum for a meeting of the Executive (Cabinet), or a Committee of it, shall be 3.

1.9 How are decisions to be taken by the Executive?

Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

Where executive decisions are delegated to a Committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

2. HOW ARE THE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present they will preside. In their absence, the Deputy Leader will preside. If both are absent the Members present shall select one from their number to preside.

2.2 Who may attend?

Public meetings of the Cabinet may be attended by all Councillors.

At the discretion of the Leader, non-Executive Councillors may ask questions of the Executive or individual Cabinet members in respect of business on the

agenda, but do not otherwise have the right to participate, move amendments or make other comment. The Leader may, at his discretion, allow any Councillor to remain during the discussion of confidential or exempt information where there are reasonable grounds for doing so.

Members of the public may attend public meetings of the Executive and, where they have organised a deputation in relation to an item of business on the agenda, may speak and ask questions in accordance with the deputation procedures set out in Appendix B of the Overview and Scrutiny Procedure Rules in Part 4 of the Constitution. Requests for deputations must be made at least 3 working days before the relevant meeting of the Executive.

2.3 What business?

At each meeting of the Executive (Cabinet) the following business will be conducted:

- a) consideration of the minutes of the last meeting;
- b) declarations of interest, if any;
- c) matters referred to the Executive (whether by a Policy and Accountability Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- d) consideration of reports from Policy and Accountability Committees;
- e) consideration of any petitions made to the Cabinet under the Petitions Scheme in Part 4 of this Constitution;
- f) consideration of any deputations made to the Cabinet under the arrangements at Appendix B of the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution;
- g) matters set out in the agenda for the meeting, and which shall indicate
 - which are Key Decisions;
 - which are non-key decisions where an Executive member has elected not to undertake the decision or has been unable to;
 - which are not in accordance with the Access to Information procedure rules set out in Part 4 of this Constitution.
- h) a report on the Key Decisions list.

2.4 Consultation

All reports to the Executive from any Member of the Executive or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant Policy and Accountability Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Executive agenda?

The Leader will decide upon the schedule for the meetings of the Executive. They may put on the agenda of any Executive meeting any matter which they wish, whether or not authority has been delegated to the Executive, a Committee of it or any Member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.

Any member of the Executive may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If they receive such a request the proper officer will comply.

The proper officer will make sure that an item is placed on the agenda of the next available meeting of the Executive where a relevant Policy and Accountability Committee or the full Council have resolved that an item be considered by the Executive.

The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an Executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for Policy and Oversight Board and Overview and Scrutiny Committees?

- 1.1 The Council will appoint Policy and Oversight Board and Overview and Scrutiny Committees (referred to as Policy and Accountability Committees in Hammersmith and Fulham) as set out in Article 6 of this Constitution. The Council will appoint Members to them, as it considers appropriate from time to time, in accordance with Rules 7 and 29 below.

2. Who may sit on Policy and Oversight Board and Overview and Scrutiny Committees?

- 2.1 All Councillors (except members of the Executive, i.e. the Leader and other Cabinet members) may be members of Policy and Oversight Board and Policy and Accountability Committees. However, no other Member may be involved in scrutinising a decision in which they have been directly involved.

3. Co-optees

- 3.1 Policy and Accountability Committees may co-opt additional members (who may be paid an annual allowance) in a non-voting capacity to ensure residents and users' groups are fully represented. The number of co-opted members shall be determined by the Council. Only statutory co-optees will have voting rights. All co-opted members will be able to participate fully in all meetings and have the same access to information as elected Members.
- 3.2 A co-optee must stand down if they fail to attend meetings of an Overview and Scrutiny Committee of which they are a member for a period of 6 consecutive months.

4. Education representatives

- 4.1 The Children and Education Policy and Accountability Committee shall include in its membership the following voting representatives, who will be entitled to vote on any education matters. These representatives shall not vote on any other matters, though they may stay in the meeting and speak.
- (a) 1 Church of England diocese representative;
 - (b) 1 Roman Catholic diocese representative;
 - (c) 2 parent governor representatives.

- 4.2 Education Representatives may also attend and vote at any other Policy and Accountability Committee that is dealing with education matters.

5. Meetings of Policy and Oversight Board and Overview and Scrutiny Committees

- 5.1 All meetings of Policy and Oversight Board and Policy and Accountability Committees will be scheduled in the Council's Calendar. In addition, extraordinary meetings may be called from time to time if considered necessary and appropriate by the Chair of the relevant Committee, in consultation with the Chief Whip.
- 5.2 A Chair of a Committee may cancel a meeting on the grounds of insufficient business, in consultation with the Chief Whip.
- 5.3 Subject to the provisions of Section 100(A) of the Local Government Act 1972:
- a) The Chair of a Committee may vary the date and time of a meeting only after consultation with the Chief Whip.
 - b) The Opposition Whip shall be notified immediately of any changes.

6. Quorum

- 6.1 The quorum for Policy and Oversight Board and Policy and Accountability Committees shall be three Councillor Members of the Committee.
- 6.2 If a quorum is not present 15 minutes after the start time of a meeting, the business shall be adjourned to a date to be arranged.
- 6.3 If a quorum is lacking at any time during a meeting then it shall be suspended for up to 15 minutes after which, if a quorum is not achieved, the remaining business is lost. This provision does not prevent a member of Policy and Oversight Board or a Policy and Accountability Committee requesting that any item be included on a future agenda, in accordance with paragraph 10 below.

7. Who Chairs meetings of Policy and Oversight Board and Overview and Scrutiny Committees?

- 7.1 The Chair and all the Members of Policy and Oversight Board and Policy and Accountability Committees shall be appointed by the Full Council.
- 7.2 In the absence of the Chair of a Committee, the Members present shall elect a Chair for the meeting from among the Members then present, who shall have the second or casting vote. If the Chair subsequently attends the meeting, the person then in the chair shall vacate it.
- 7.3 The Chair of the Committee shall have responsibility for maintaining order at the meeting in accordance with the guidelines for Councillors, good practice, and the Council Procedure Rules in Part 4 of this Constitution.
- 7.4 The order of business shall be determined by the Chair.

8. Sub-Committees and Task Groups

- 8.1 Policy and Oversight Board and Policy and Accountability Committees shall have the power to request the appointment of Sub-Committees or ad-hoc, time-limited Task Groups to investigate and report on specific issues within the remit of any Policy and Accountability Committee. The Policy and Oversight Board is responsible for the consideration and approval of requests for Sub-Committees or Task Groups. The Members of a Sub-Committee or Task Group shall be non-Executive Councillors.
- 8.2 Each Sub-Committee or Task Group shall report to the Policy and Accountability Committee which established it. Its terms of reference will be set by the relevant Policy and Accountability Committee.
- 8.3 A Sub-Committee or Task Group shall have no fewer than 3 elected Members, appointed by the relevant Policy and Accountability Committee. Its Chair and Vice Chair shall be appointed by the Sub-Committee or Task Group Members, taking account of the expertise, experience and interest of the available Councillors. A Sub-Committee or Task Group shall have the power to co-opt up to a maximum of two members in a non-voting capacity who are not elected Councillors.
- 8.4 The Access to Information Procedure Rules in Part 4 of this Constitution do not apply to Sub-Committees or Task Groups unless the Sub Committee or Task Group agrees a motion to the contrary.

~~8.5—In considering whether to establish a Sub-Group or Task Group, Policy and Accountability Committees and Policy and Oversight Board will have regard to:~~

- ~~a) The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or other key issues that affect the wellbeing of the community;~~
- ~~b) The potential benefits of a review, particularly the likelihood of improvements in the quality of Council services or those of partner organisations;~~
- ~~c) The alternative mechanisms available to deal with the matter and the extent to which any work undertaken by the Overview and Scrutiny function may duplicate existing activity;~~
- ~~d) The extent to which officer, Member and relevant stakeholder capacity is sufficient to support the work of a Sub-Committee or Task Group;~~
- ~~e) The timeliness of the review work; and~~
- ~~f) The clarity of the scope and objective of the proposed review.~~

9. Work programme

- 9.1 Policy and Oversight Board and each Policy and Accountability Committee will maintain a work programme of policies and issues identified by the Committee members to be investigated, analysed and understood prior to making recommendations to decision-makers. Policy and Oversight Board and Policy and Accountability Committees may receive evidence from experts and user groups either in writing in advance or verbally at meetings. Sub-Committees

and Task Groups will be provided with their schedules of work by the relevant Policy and Accountability Committee.

10. Agenda items

- 10.1 Any Councillor shall be entitled to give notice to the proper officer that they wish to place on the agenda of the relevant Policy and Accountability Committee or Policy and Oversight Board an issue which is a local government matter in accordance with the procedure at Appendix A (Councillor Call for Action).
- 10.2 Any member of Policy and Oversight Board or a Policy and Accountability Committee shall be entitled to give notice to the Proper Officer that they wish for an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of that Committee in accordance with the Councillor Call for Action procedure (Appendix A).
- 10.3 On receipt of such a notice, the proper officer will assess whether it is validly submitted and complies with the guidance issued by the Secretary of State. If they are satisfied that it is valid, they shall arrange for investigation and submission of an initial report on the matter for consideration by the relevant Policy and Accountability Committee or Policy and Oversight Board.
- 10.4 Policy and Oversight Board and Policy and Accountability Committees shall also respond, as soon as their work programme permits, to requests from the Council and from the Executive to review particular areas of Council activity. Where they do so, the Committees shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall normally consider the report of the Committee within one month of receiving it.

11. Policy Development and Review

- 11.1 The role of Policy and Oversight Board and the Policy and Accountability Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.
- 11.2 In relation to the development of the Council's other policies, the role of Policy and Oversight Board and Policy and Accountability Committees is set out in Article 6 in Part 2 of the Constitution.
- 11.3 Policy and Oversight Board and Policy and Accountability Committees may hold inquiries and investigate the available options for future direction in policy development as the basis of recommendations to the Executive. They may appoint advisers and expert witnesses to assist them in this process. They may undertake site visits, conduct public surveys, hold public meetings, commission research outside formal meetings and do all other things that they reasonably consider necessary to inform their deliberations. They may ask

witnesses to attend to address them on any matter under consideration and may pay advisers and witnesses a reasonable fee and expenses for doing so.

12. Voting at Overview and Scrutiny Committees

12.1 In the event of a vote:

- (a) Voting shall be by simple majority by show of hands.
- (b) Voting members may request that their votes be recorded.
- (c) In the event of an equality of votes the Chair shall have a second or casting vote.

13. Reports from Overview and Scrutiny Committees

13.1 Once it has formed recommendations on any matter, Policy and Oversight Board or a Policy and Accountability Committee may prepare a formal report and submit it for consideration by the Executive (if the proposals are consistent with the existing Budgetary and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework). The Committee may wish to send its recommendations to the Executive or to the Council on the matter if it prefers.

13.2 If Policy and Oversight Board or a Policy and Accountability Committee cannot agree on one single final report to the Council or Executive on proposals on any matter as referred to in 13 (a) above, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.

13.3 The Council or Executive shall consider the report of the Committee normally within 8 weeks of it being submitted.

13.4 If the matter is referred to Council, the Leader will be served with notice and the Executive will have 6 weeks in which to respond to the Committee report. The Council shall not consider it within that period. When the Council does meet to consider any referral from Policy and Oversight Board or a Policy and Accountability Committee on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the Executive to the Committee proposals.

13.5 Where Policy and Oversight Board or a Policy and Accountability Committee prepares a report for consideration by the Executive in relation to a matter where the Leader has delegated the decision to a Member or officer, the Committee will submit a copy of their report to the Member or officer for consideration. The Member or Officer with delegated decision making power must consider the report and respond in writing to the Committee at the next ordinary meeting following receipt. The Member or officer may be asked to attend the meeting of the Committee to present their response.

13.6 All Councillors will in any event have access to the Key Decisions list and timetable for decisions and intentions for consultation. At the stage when the Executive makes firm proposals and a provisional decision, in the form of a written and published decision on any matter, it will become available for call-in in accordance with the Council's decision-making process. Such reports will be placed by the proper officer on the agenda for the next meeting of the relevant Policy and Accountability Committee or Policy and Oversight Board, subject to the access to information provisions.

13.7 Each Sub-Committee and Task Group shall submit its reports to the Committee which established it.

14. Rights of Policy and Oversight Board and Policy and Accountability Committee Members to Documents

14.1 In addition to their rights as Councillors, members of Policy and Oversight Board and Policy and Accountability Committees and their Sub-Committees and Task Groups have the additional right to documents, and to notice of meetings, as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

14.2 Nothing in this paragraph prevents more detailed liaison between the Executive and Policy and Oversight Board, Policy and Accountability Committees and their Sub-Committees and Task Groups as appropriate, depending on the particular matter under consideration.

15. Breach of the Access to Information provisions by the Executive

15.1 If Policy and Oversight Board or a Policy and Accountability Committee thinks that a Key Decision has been taken which was not:

- a) included in the Key Decisions list or
- b) the subject of the general exception procedure (i.e. Rule 16 of the Access to Information Procedure Rules); or
- c) under the special urgency procedures (i.e. Rule 17 of the Access to Information Procedure Rules) the subject of an agreement with a relevant Policy and Accountability Committee or Policy and Oversight Board Chair, or in their absence, the Mayor/Deputy Mayor of the Council, the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee and may be raised by resolution passed at a meeting of the relevant Policy and Accountability Committee or Policy and Oversight Board.

16. Members and officers giving account

16.1 Policy and Oversight Board or any Policy and Accountability Committee may scrutinise and review decisions made or actions taken in connection with the

discharge of any Council functions. As well as reviewing documentation, in fulfilling the overview and scrutiny role, a Committee may compel Council officers and Executive members to attend meetings as required and can expect to receive written evidence as requested to assist the Committee in developing policy or to explain in relation to matters within its remit:

- a) any particular decision or series of decisions;
- b) the extent to which the actions taken implement Council policy; and/or
- c) ~~their~~ departmental performance.

It is the duty of those persons to attend if so required.

16.2 In cases where a petition, submitted in accordance with the Council's Petitions Scheme (see Rule 24 below), asks for the Chief Executive or a Director to give evidence at Policy and Oversight Board or a Policy and Accountability Committee meeting, it is the duty of those persons to attend if so required. The Committee may decide that it would be more appropriate for another officer to give evidence instead of the officer named in the petition.

17. Attendance by others

17.1 Policy and Oversight Board or a Policy and Accountability Committee may request people other than those people referred to in Rule 16 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

17.2 In undertaking the scrutiny of local health bodies, as described in Article 6 of this Constitution, a Policy and Accountability Committee may require senior representatives of those bodies to address it, discuss issues of local concern and/or answer questions. It is the duty of those persons to attend if so required.

18. Call-in

18.1 These call-in provisions apply only to **Key Decisions** as defined in Article 12.

18.2 Any key decision may be called-in. The power in this paragraph is in addition to the power in paragraph 6 of the Budget and Policy Procedure Rules which deals with decisions by the Executive which are outside the budget and policy framework fixed by the Council and the general power to scrutinise under Article 6 of this Constitution.

18.3 Where a Key Decision is made by the Executive, the decision shall be published on the Council's website no later than 5.30pm on the second working day after the decision was made (~~not including the day of the decision~~). All Councillors will be sent copies of the published decision within the same timescale by the person responsible for publishing the decision.

- 18.4 The published decision will bear the date on which it is published, and will specify that the decision will come into force and may be implemented at 3.00pm on the third working day after the publication of the decision (not including the date of publication), unless called-in under these provisions.
- 18.5 During this period, the proper officer shall call in a decision for scrutiny by the relevant Policy and Accountability Committee or Policy and Oversight Board if so requested by at least 50% of the voting members of that Committee. For the purposes of this provision the education co-opted members referred to in paragraph 4 of these Rules shall only be entitled to request the call-in of a decision relating to education matters.
- 18.6 A request for the call-in of a decision must be made in writing or by electronic mail in a format approved from time to time by the proper officer and must set out the reasons for the calling in of the decision.
- 18.7 On receipt of a valid call-in request the proper officer shall notify the decision-maker and the Chair of the relevant Policy and Accountability Committee or Policy and Oversight Board of the call-in. A called-in decision is suspended and no steps shall be taken to implement it subject to these provisions.
- 18.8 A decision which is called-in shall be placed on the agenda for the next scheduled meeting of the relevant Policy and Accountability Committee or Policy and Oversight Board or a special meeting convened for that purpose, subject to the access to information provisions.
- 18.9 If, having considered the decision Policy and Oversight Board or the Policy and Accountability Committee is still concerned about it, then it may:
- refer it back to the decision-maker for reconsideration; or
 - refer the matter to full Council
- 18.10 In both cases it must set out in writing the nature of its concerns. If referred to the decision-maker they shall reconsider it at their next meeting amending the decision or not before adopting a final decision. Once a decision has been reconsidered by the decision-maker it may not be the subject of further call-in.
- 18.11 If the Policy and Oversight Board or Policy and Accountability Committee at which a called-in item is due to be considered does not meet or does meet but does not refer the matter back to the decision-maker or to Full Council the decision shall take effect from the date fixed for that Committee meeting.
- 18.12 A matter referred to Full Council shall be placed on the agenda for the next scheduled meeting of the Council, subject to the access to information provisions. If the Council does not object to the decision then no further action is necessary and the decision takes effect in accordance with the provision below. However if the Council does object it has no power to make decisions in respect of an Executive decision unless it is contrary to the policy framework or is contrary or not wholly in accordance with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-maker together with the Council's views on the decision. The

decision-maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision is taken by the Executive as a whole or a Committee of it, a meeting will be convened within 10 working days of the Council's request. Where the decision was taken by an individual the individual shall reconsider within 5 working days of the Council's request.

- 18.13 If the Council does not meet, or if it does but does not refer the decision back to the decision-maker the decision will become effective on the date fixed for the Council meeting.

19. Call-In and Urgency

19.1 The call-in procedure set out above shall not apply or shall cease to apply where the decision being taken by the Executive is urgent or becomes urgent during the call-in process. A decision is urgent if any delay likely to be caused by the call-in process is likely to seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is or has become an urgent one, and therefore not, or no longer subject to call-in. The Mayor must agree both that the proposed decision is reasonable in all the circumstances and that it is reasonable to treat it as an urgent matter. In the absence or incapacity of the Mayor, the Deputy Mayor's consent shall be required. In the absence or incapacity of both, the Head of Paid Service or their nominee's consent shall be required.

19.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

20. Items not included in the Key Decisions list

20.1 Chairs of Policy and Oversight Board and Policy and Accountability Committees have a right to be informed when the Executive is taking decisions not included in the Key Decisions list in accordance with paragraph 16 (General Exception) of the Access to Information Procedure Rules.

20.2 Chairs of Policy and Oversight Board and Policy and Accountability Committees have the right to agree that in cases of special urgency (paragraph 17 of the Access to Information Procedure Rules) the taking of a decision cannot reasonably be deferred.

21. The Party Whip

21.1 When considering any matter in respect of which a member of Policy and Oversight Board or a Policy and Accountability Committee is subject to a party whip the Member must declare the existence of the whip, and the nature of it, before the commencement of the Committee's deliberations on the matter. Alternatively, the written report on the matter shall state the proposed policy of the majority and minority parties on the Council, and by this it should be

understood that that matter is the subject of a party whip. Such declarations, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

22. Declarations of Interest

- 22.1 If a Councillor (or a co-opted member) has a **disclosable pecuniary interest** in any particular agenda item at a Policy and Oversight Board or Policy and Accountability Committee meeting, they should declare the existence and nature of the interest (unless it is a sensitive interest) at the commencement of the consideration of that item or as soon as it becomes apparent.
- 22.2 Any Councillor with a **disclosable pecuniary interest** may make representations, give evidence or answer questions about the matter, but only at meetings where members of the public are allowed to be in attendance and to speak. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken, unless a dispensation has been obtained from the Standards Committee.
- 22.3 At meetings where members of the public are not allowed to be in attendance, then the Councillor with a **disclosable pecuniary interest** must withdraw from the meeting while the matter is under consideration, unless the Standards Committee have granted a dispensation.
- 22.4 Each Councillor (or co-opted member) shall, within **28 days** of their election or appointment to office (if that is later) give to the Monitoring Officer or another approved officer a general notice, to be recorded in the Register of Members' Interests open to public inspection, of any **disclosable pecuniary interests**, as defined in the Code of Conduct in Part 5 of this Constitution.
- 22.5 If a Councillor (or co-opted member) has declared a **disclosable pecuniary interest** at a Policy and Oversight Board or Policy and Accountability Committee meeting which has not been recorded in the Register of Members' Interests they shall, within **28 days** of the declaration, give notice of the interest to the Monitoring Officer.

23. Public Participation

- 23.1 At a meeting of Policy and Oversight Board or a Policy and Accountability Committee, members of the public may speak at the discretion of the Chair. Members of the public should conduct themselves appropriately in accordance with the Council Procedure Rules in Part 4 of the Constitution relating to public rights at meetings.
- 23.2 Members of the public may be excluded from a meeting in accordance with the Council Procedure Rules relating to admission/exclusion of the press and public, or for disorder.

24. Petitions

~~24.1 Petitions may be made to Policy and Oversight Board or a Policy and Accountability Committee in accordance with the Council's Petitions Scheme in Part 4 of the Constitution.~~

~~24.2 Another Policy and Accountability Committee will be directed to consider a request for a review of the steps taken and decisions made by the Council in response to a petition in cases where the Policy and Oversight Board considered the original petition.~~

245. Deputations

~~245.1~~ Deputations can be made to Policy and Oversight Board or any Policy and Accountability Committee in respect of any aspect of its terms of reference, subject to a restriction that deputations on the same subject will not be permissible within six months of a similarly worded deputation.

Form of Request

- a) A request for a deputation shall be made in writing using the deputation request form, signed by at least **ten registered electors** of the Borough. Such a request shall state the purpose of the deputation and the name and address of each of the signatories.
- b) A deputation must be relevant to Policy and Oversight Board or the Policy and Accountability Committee's remit. Deputations should not refer to individuals, Council officers by name, nor personnel or staffing issues.
- c) Requests for deputations to Policy and Oversight Board or Policy and Accountability Committees shall be submitted at least 3 working days before the relevant meeting.

Receiving of Deputation

- a) A deputation shall be comprised of people who signed the request and shall consist of not less than three or more than ten people.
- b) One member of the deputation may address the Committee but his/her speech shall not exceed 5 minutes.
- c) Members of the Committee may during a period not exceeding 5 minutes ask questions of any member of the deputation.
- d) Members of the Committee will then debate the substantive report to which the deputation refers, if appropriate, taking into account the issues raised by the deputation. Members of the deputation may remain for the duration of the debate if they so wish.

Limitation on Reception of Deputation

- a) The Monitoring Officer, in consultation with the Chair, shall have the power to determine that a deputation is out of order in not complying with the above rules, and that it need not be considered at the relevant Policy and Accountability Committee or Policy and Oversight Board.

- b) The Chair reserves the right to limit the number of deputations heard at any one meeting in order to allow sufficient time for other business specified on the agenda.
- c) The Chair may refuse a deputation where they consider it reasonable to do so in the circumstances (e.g. where it is premature).

256. Procedure at Overview and Scrutiny Committee meetings

256.1 Policy and Oversight Board and Policy and Accountability Committees shall consider the following business:

- a) minutes of the last meeting;
- b) declarations of interest and whipping declarations;
- c) petitions;
- d) deputations;
- e) consideration of any called-in items;
- f) any responses of the Executive to previous reports of the Committee;
- g) the ongoing work programme;
- h) monitoring and review of previous Policy and Oversight Board or Policy and Accountability Committee recommendations; and
- i) the business otherwise set out on the agenda for the meeting.

256.2 Where Policy and Oversight Board, a Policy and Accountability Committee, Sub-Committee or Task Group conducts investigations (e.g. with a view to policy development), the Committee / Sub-Committee / Task Group may also ask people to attend to give evidence at meetings, which are to be conducted in accordance with the following principles:

- a) that the investigation be conducted fairly and all members of the Committee, Sub-Committee or Task Group be given the opportunity to ask questions of attendees, and to contribute and speak;
- b) that those assisting the Committee, Sub-Committee or Task Group by giving evidence be treated with respect and courtesy;
- c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis; and
- d) following any investigation or review, the Committee, Sub-Committee or Task Group shall prepare a report for submission to the Executive and / or Council (to the relevant Policy and Accountability Committee or Policy and Oversight Board in the case of a Sub-Committee or Task Group) as appropriate, and shall make its report and findings public.

267. Conduct

267.1 Councillors shall conduct themselves in accordance with the Council Procedure Rules in Part 4 of the Constitution relating to order at meetings.

278. Guillotine

278.1 All Policy and Oversight Board, Policy and Accountability Committees, Sub-Committee or Task Group meetings shall end after three hours (“the guillotine”).

~~28.2 The time elapsed during any suspension of a meeting shall be added to extend the time at which the following provisions come into effect.~~

~~28.3 At that time, or at any other time when a motion to close the meeting has been successfully carried:~~

~~a) no further points of order shall be raised except by the Chair, except that Councillors may declare an interest in any remaining items of business;~~

~~b) The Chair shall then interrupt the discussion of the item;~~

~~i. Unless the mover of a motion then under discussion seeks leave to withdraw it, the Chair shall allow them a right of reply to the debate;~~

~~ii. Unless the motion or item of business then under discussion is withdrawn, the Chair shall put, without further discussion, all the questions necessary to dispose of it;~~

~~c) The Chair shall put without discussion, all the questions necessary to complete consideration of any remaining items on the agenda;~~

~~d) Finally, the Chair shall close the meeting.~~

278.4 Prior to the fall of the guillotine, where the Policy and Oversight Board or Policy and Accountability Committee believes that a specific extension of time is warranted, this may be agreed by a resolution to extend the guillotine for a specific period. There is no limit to the number of extensions, which may be agreed under this rule but no motion to extend the guillotine shall be permitted once the guillotine has fallen.

289. Membership

289.1 The memberships of the Policy and Oversight Board and Policy and Accountability Committees are detailed in Part 3 of the Constitution, under ‘Committee Memberships’.

Appendix A – Councillor Call for Action

Any Member of the Council shall be entitled to give notice in writing to the Proper Officer that they wish to place on the agenda of Policy and Oversight Board or a Policy and Accountability Committee any matter which is relevant to its functions and affects all or part of that Member' ward or any person living or working in it. The notice must specify:

- a) the name of the Member submitting it;
- b) details of the relevant issue;
- c) a summary of the action undertaken by the Councillor and Community to resolve the matter; and
- d) details of the outcome the Councillor is seeking as a result of the referral in order to resolve or move forward the issue raised.

Unless it is alleged that the function has not been discharged or that the discharge is failing on a systemic basis, the matter must not relate to:

- a) decisions in relation to planning permissions and enforcement;
- b) decisions in relation to licensing applications, reviews and enforcement; or
- c) any matter relating to an individual or entity where there is a statutory right of recourse to a review or appeal.

The request must not be vexatious, discriminatory or not reasonable to be included on the agenda.

The Member shall be expected to have previously sought all reasonable means within their role as ward member to address the issue and to have regard to Guidance on the matter issued by the Secretary of State.

On receipt of such a request the proper officer will assess whether it is validly submitted and complies with the Guidance issued by the Secretary of State. If they are satisfied that it is valid they shall arrange for investigation and submission of an initial report on the matter for consideration by the relevant Policy and Accountability Committee or Policy and Oversight Board. This will usually be placed on the agenda of the next scheduled meeting of the Committee unless the Chair is of the opinion that in all the circumstances it is not reasonably practicable to do so or to have it properly considered at that meeting. In such cases it will be presented to the next suitable meeting.

The proper officer shall determine the relevant Committee where the issues overlap the remits of more than one Committee. Members of the interested Committee that is not designated to receive the request will be invited to attend the meeting should they so wish.

If, in the opinion of the proper officer, the request is not consistent with the statutory guidance they shall inform the Member of this decision and the reasons for it in writing and, where possible, advise the Member of potential alternative sources of

assistance in resolving the issue. The Committee shall be informed of the Proper Officer's action.

Validly submitted requests in respect of crime and disorder and community safety issues shall be referred to the Social Inclusion and Community Safety Policy and Accountability Committee.

Upon receipt of an initial report the relevant Policy and Accountability Committee or Policy and Oversight Board must discuss the issue and may decide to call for a more detailed report on the matter, either make recommendations or refer it to Officers, The Cabinet, Portfolio holders or the relevant partner organisation for resolution, or to take no further action. In reaching this decision it must have regard for the Guidance issued by the Secretary of State and may refer to local guidance. The Member in whose name the request has been submitted will be entitled to attend meetings at which it is considered and address the Committee in support of the request.

Where it is decided to take no further action the Member must be notified in writing of the decision and the reasons for it. The Committee must provide the Member with a copy of any report or recommendations which it makes to the Authority, Cabinet, Cabinet Member, officer or partner organisation in relation to the matter.

Deputation Request Form

For Cabinet, Policy and Oversight Board, Policy and Accountability Committee Meeting

PRINT THE NAME AND CONTACT DETAILS OF THE PERSON LEADING THE DEPUTATION (who must be a registered elector of this borough)		
Full name (in BLOCK CAPITALS):		
Address and postcode:		
Telephone:	E-mail:	
Give the names, addresses, and signatures of at least 9 other registered electors of this borough who support the deputation request.		
Name	Address	Signature
MEETING, DATE AND AGENDA ITEM TO WHICH THE DEPUTATION REFERS:		
Meeting:		
Date:		
Agenda item:		
<i>NOTE: You cannot make a deputation to Policy and Oversight Board or a Policy and Accountability Committee if you have made a similarly worded deputation within the previous six months.</i>		
PLEASE GIVE YOUR DEPUTATION STATEMENT (This is an opportunity for you to state the purpose of your deputation—you can attach additional pages if necessary).		

Deputation guidance notes

Receiving of Deputation

1. A deputation shall be comprised of people who signed the request and shall consist of not more than 10 people.
2. One member of the deputation may address the Committee, but his/her speech shall not exceed 5 minutes.
3. Members of the Committee may, during a period not exceeding 5 minutes, ask questions of any member of the deputation.
4. Members of the Committee will then debate the substantive report to which the deputation refers, taking into account the issues raised by the deputation. Members of the deputation may remain for the duration of the debate if they so wish.

Limitation on Reception of Deputation

1. The Monitoring Officer, in consultation with the Chair of the Committee shall have the power to determine that a deputation is out of order in not complying with the above rules, and that it need not be considered at the relevant Committee.
2. The Chair of the Committee reserves the right to limit the number of deputations at any one meeting in order to allow sufficient time for any other business specified on the agenda.
3. The Chair of a Committee may refuse a deputation where they consider it reasonable to do so in the circumstances (e.g. where it is premature).

Please send your form to the officer referred to on the agenda. If you wish, you can scan a completed copy of this form and send it to the e-mail address on the agenda.

Officer Employment Procedure Rules

Local Government Act 2000 & Local Authorities (Standing Orders) (England) Regulations 2015

Leader and Cabinet Constitutions

1. Recruitment and Appointment

1.1 Declarations

- a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.
- b) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by them.

1.2 Seeking support for appointment.

- c) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- d) No Councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Head of Paid Service and Chief Officers

2.1 Where the Council proposes to appoint a Chief Officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) and it is not proposed that the appointment be made exclusively from among their existing officers, it shall:

- a) draw up a statement specifying –
 - i. the duties of the officer concerned, and
 - ii. any qualifications or qualities to be sought in the person to be appointed;
- b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- c) make arrangements for a copy of the statement to be sent to any person on request.

2.2 Where a post has been advertised under paragraph 2.1(a) the Council shall interview all qualified applicants for the post or select a

short list of such qualified applicants and interview those included on the short list. Where no qualified person has applied the Council shall make further arrangements in accordance with paragraph 2.1(c).

3. Appointment of the Head of Paid Service

- 3.1 The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Committee or Sub-Committee of the Council before an offer of appointment is made. That Committee or Sub-Committee shall include at least one member of the Executive.
- 3.2 The Full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection from any member of the Executive has been received following their notification of the details of the proposed appointment in accordance with the procedure in Section 5.

4. Appointment of Chief Officers

- 4.1 A Committee or Sub-Committee of the Council will appoint Chief Officers. That Committee or Sub-Committee shall include at least one member of the Executive.
- 4.2 An offer of appointment must only be made where no well-founded objection from any member of the Executive has been received following their notification of the details of the proposed appointment in accordance with the procedure in Section 5.

5. Consultation with the Executive

- 45.1 An offer of appointment must not be given in respect of the Head of Paid Service or any other Chief Officer post-until:
- (1) the Committee or Sub-Committee has notified to the Assistant Director People and Talent the name of the person it wishes to appoint and any other particulars which it considers relevant to the appointment;
 - (2) the Assistant Director People and Talent has notified every member of the Executive of:
 - a) the name of the person to whom the Committee or Sub-Committee wishes to make an offer of appointment;
 - b) any other particulars relevant to the appointment which the Committee or Sub-Committee has notified to the Assistant Director People and Talent;
 - c) the period within which any objection to the making of the offer is to be made by the Leader to the Assistant Director People and Talent on behalf of the Executive, and

Either:

- d) the Leader has within the period specified in paragraph (c) notified the Committee or Sub-Committee that neither they nor any other member of the Executive has any objection;
- e) the Assistant Director, People and Talent has notified the Committee or Sub-Committee that no objection was received within that period from the Leader or;
- f) the Committee or Sub-Committee is satisfied that any objection received from the Leader within that period is not well founded.

6. Other Appointments

- 6.1 **Officers below Chief Officer** - Appointment of officers below Chief Officer (other than assistants to political groups and an assistant to the Mayor) is the responsibility of the Head of Paid Service or their nominee, and may not be made by Councillors.
- 6.2 **Assistants to political groups** - Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7. Disciplinary Action

- 67.1 **Suspension** - The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension must be on full pay and last no longer than the expiry of four months beginning on the day on which the suspension takes effect.
- 67.1 Councillors will not be involved in the disciplinary action against any officer below Chief Officer, except where such involvement is necessary for any investigation or inquiry into alleged misconduct, where the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.

8. Dismissal (Head of Paid Service, the Monitoring Officer and the Chief Finance Officer)

- 78.1 The Head of Paid Service, the Monitoring Officer, and the Chief Finance Officer may not be dismissed unless the following procedure is complied with and the Council must approve the dismissal before notice is given to that person:
 - The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
 - An independent person means a person who has been appointed under section 28(7) of the Localism Act 2011. The Council has appointed two independent persons who form a panel of independent

persons. These persons appointed by the London Borough of Hammersmith and Fulham are therefore “relevant independent persons” for the purposes of this procedure.

78.2 The Council must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with the following priority order:

- a) a relevant independent person who has been appointed by the Council and who is a local government elector;
- b) any other relevant independent person who has been appointed by the Council;
- c) a relevant independent person who has been appointed by another authority or authorities.

78.3 The Council must appoint any Panel at least 20 working days before the matter is considered at a meeting of the full Council. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council will take into account, in particular-

- a) any advice, views, or recommendations of the Panel;
- b) the conclusions of any investigation into the proposed dismissal; and
- c) any representations from the relevant officer.

9. Consultation with the Executive

9.1 A notice of dismissal must not be given in respect of the post of Chief Officer until:

- a) the Committee or Sub-Committee has notified to the Assistant Director, People and Talent the name of the person it wishes dismiss and any other particulars which it considers relevant to the dismissal;
- b) the Assistant Director, People and Talent has notified every member of the Executive of:
 - i. the name of the person to whom the Committee or Sub-Committee wishes to give notice of dismissal;
 - ii. any other particulars relevant to the dismissal which the Committee or Sub-Committee has notified to the Assistant Director, People and Talent;
 - iii. the period within which any objection to the dismissal is to be made by the Leader to the Assistant Director, People and Talent on behalf of the Executive, and
Either:
 - iv. the Leader has within the period specified in paragraph 8.3(c) notified the Committee or Sub-Committee that neither they nor any other member of the Executive has any objection;

- v. the Assistant Director, People and Talent has notified the Committee or Sub-Committee that no objection was received within that period from the Leader or;
- vi. the Committee or Sub-Committee is satisfied that any objection received from the Leader within that period is not well founded.

10. Other Officers

940.1 Any disciplinary action taken in respect of all other officers will be in accordance with the relevant Council's disciplinary, capability and related procedures.

Contract Standing Orders

Contract Standing Orders govern all contractual arrangements made by, or on behalf of, the Council for the carrying out of works or for the supply of goods, materials or services. This includes all types of procurements, re-lets, direct awards, variations, novations, extensions and any other contractual transactions which the Council enters into.

You can find the full Contract Standing Orders on the Council's website:
www.lbhf.gov.uk/constitution

Financial Regulations

Financial Regulations provide the regulatory and governance framework which directs the way Hammersmith & Fulham Council undertakes its financial activities including financial planning, budget setting, budget monitoring, and closing of the accounts.

Under section 151 of the Local Government Act 1972, 'every Local Authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.' The Financial Regulations set out these financial administration responsibilities.

You can find the full Financial Regulations on the Council's website:
www.lbhf.gov.uk/constitution

PART 5 – CODES AND PROTOCOLS

Member Code of Conduct

Definitions

For the purposes of this Code of Conduct, a “Councillor” means a member or co-opted member of the Council.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, council officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct.

General principles of Councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services including Councillors and council officers should uphold the Seven Principles of Public Life also known as the Nolan Principles (Appendix A). Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in you, on all occasions **MUST**:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking your role you **SHOULD**:

- impartially exercise your responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the Council’s requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication

- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and
- comments.

You are also expected to uphold high standards of conduct, show leadership and promote the values in this Code at all times when acting as a Councillor and in any public or published communications while you hold office as a Councillor.

The Council's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

Failure to comply with Sanctions.

Failure to comply with a sanction may of itself be a breach of the Code.

STANDARDS OF COUNCILLOR CONDUCT

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a Councillor you must:

- 1.1 treat other councillors and members of the public with respect.
- 1.2 treat council employees, employees and representatives of partner organisations and those volunteering for the council with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticize and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack or do anything to undermine your duty as a Councillor to promote equality (see section 2).

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to the council, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Code of Conduct and council employees, where concerns should be raised in line with council's Member/officer protocol.

2. Refraining from bullying, harassment and discrimination and duty to promote equality

In performing your duties as a Councillor and, in any published material, whether spoken or written while you are a Councillor, you must:

- 2.1 not bully any person,
- 2.2 not harass any person,
- 2.3 promote equalities and not behave in such a way so to undermine achieving equality and
- 2.4 not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

In November 2023, Full Council unanimously adopted the London Local Government Anti-Racist Statement which is appended to this Code. Councillors are expected to behave in

ways that promote the values and ethos of that statement
(Attached as appendix C.

Social media is a public forum and the same considerations, including the provisions of this section of the Code, apply as would to speaking in public or writing something for publication, either officially or in a personal capacity.

3. Impartiality of officers of the council

As a Councillor you must:

- 3.1 not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Council.

Officers work for the Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a Councillor you must:

- 4.1 not disclose information:
- a. given to you in confidence by anyone
 - b. acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. you have received the consent of a person authorised to give it;
 - ii. you are required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 - 1. reasonable and in the public interest; and
 - 2. made in good faith and in compliance with the reasonable requirements of the council; and
 - 3. have consulted the Monitoring Officer prior to its release.
- 4.2 not improperly use knowledge gained solely as a result of your role as a Councillor for the advancement of yourself, your friends, your family members, your employer or your business interests.

- 4.3 not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Councillor you must

- 5.1 not bring your role or the council into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or the council and may lower the public's confidence in your or the council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the council into disrepute. You are able to hold the council and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a Councillor you must:

- 6.1 not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

Your position as a member of the council provides you with certain opportunities, responsibilities, and privileges and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of council resources and facilities

As a Councillor you must:

- 7.1 not misuse council resources.
- 7.2 when using the resources of the Council or authorising their use by others:
- a. act in accordance with the Council's requirements; and
 - b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the council or of the office to which you have been elected or appointed.

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of council buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the council's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor you must:

- 8.1 undertake Code of Conduct training provided by the Council.
- 8.2 cooperate with any Code of Conduct investigation and/or determination.
- 8.3 not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4 comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the council or its governance. If you do not understand or are concerned about the council's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the council

9. Interests

As a Councillor you must:

9.1 register and disclose your interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, council employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

10. Gifts and hospitality

As a Councillor you must:

- 10.1 not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, license or other significant advantage.
- 10.2 register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3 register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

In order to protect your position and the reputation of the council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always

be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.

11. Provision of formal references for Council Employees

11.1 As a Councillor you must not provide or offer to provide a formal reference for any candidate for employment or promotion with the Council as to do so may be perceived as bringing an unacceptable pressure to bear on the appointing officer and any officer appointed as a result of such reference. However, there may be exceptional circumstances where you may provide a confirmatory reference at the discretion of the Monitoring Officer.

12. Sex Offenders Register or to Sexual Risk Orders

12.1 As a Councillor you must inform the Monitoring Officer if you commit any offence under Sexual Offences Act 2003 and are subject to the notification requirements set out in the Sexual Offences Act 2003 (commonly known as being put on the sex offenders register), or subject to Sexual Risk Orders “or other orders relating to sexual conduct”.

12.2 A Councillor who becomes disqualified pursuant to the Local Government Act 1972 section 81A**, as inserted by the Local Government (Disqualification) Act 2022 section 1, shall immediately notify the Monitoring Officer of that fact and of the circumstances relating to it.

(This was agreed by Full Council on 19 October 2022)

- **Police Investigation, Arrest or Charge.**

11.4 As a Councillor you are required to inform the Monitoring Officer should you be under police investigation, have been arrested or charged of an offence.

Interpretation

The Monitoring Officer shall consider the Local Governments Association Guidance on the Member Model Code of Conduct Complaints Handling, when dealing with complaints alleging a breach. It will be for the Monitoring officer to use his or her discretion to interpret said Guidance when dealing with complaints alleging a breach of the Members Code of Conduct.

****List of reasons for disqualification**

- are employed by the local authority;

- are employed by a company which is under the control of the local authority;
- are employed under the direction of various local authority committees, boards or the Greater London Authority; or
- are subject to bankruptcy orders;
- have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
- are disqualified under Part III of the Representation of the People Act 1983;
- are a teacher in a school maintained by the local authority
- not attending a meeting at least once in any six-month period
- being subject to relevant notification requirements or orders due to sexual offences

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B – Registering interests

Within 28 days of becoming a Councillor or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

Failure to register a disclosable interest is a criminal offence.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial

interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the test set out in paragraph 9 should be applied.

9. Where a matter **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Dispensations

11. In cases where a Councillor has a disclosable Pecuniary Interest, they may still be able to participate and vote at the meeting if they have obtained a dispensation from the Monitoring Officer in accordance with the provisions set out below.
12. There are five circumstances in respect of which a dispensation may be granted, namely:
 - (a) That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business;
 - (b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
 - (c) That the authority considers that the dispensation is in the interests of persons living in the authority's area;
 - (d) That without a dispensation, no member of the committee would be able to participate in this matter;
 - (e) That the authority considers that it is otherwise appropriate to grant a dispensation
13. You must make verbal declaration of the existence and nature of any dispensation granted to you at or before the consideration of the item of business or as soon as the interest to which the dispensation relates, becomes apparent. In the event of a blanket dispensation granted to all Councillors on a particular matter, this should be declared by the chairman at the commencement of the meeting.

General Dispensations Granted by the Monitoring Officer

14. The following general dispensations have been granted by the Monitoring Officer to all Councillors to enable them to be present, speak and vote where they would otherwise have a Disclosable Pecuniary Interest on the grounds that it is appropriate to grant a dispensation to allow all Councillors to participate fully in the following matters:
 - a) Housing: where the Councillor (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not only relate to the Councillor's particular tenancy or lease,
 - b) School meals or school transport and travelling expenses where the Councillor is a parent or guardian of a child in full time education, or is a parent governor of a school, provided that the matter does not only relate to the particular school which the child attends.
 - c) Housing Benefit: where the Councillor (or spouse or partner) directly receives housing benefit in relation to their own circumstances.
 - d) Decisions in relation to any Council Tax Benefit if the Councillor or their spouse or partner are in receipt of any such benefit.
 - e) Membership of the Local Government Pension Scheme of either the Councillor or their spouse or partner.

For the avoidance of doubt and to ensure adherence to the Member Code of Conduct, Councillors should seek guidance from the Council’s Monitoring Officer.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labor Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Council and (a) the Councillor; or (b) the spouse or civil partner of the Councillor; or (c) the person with whom the Councillor is living as if they were spouses/civil partners; or (d) a firm in which any of the parties in (a-c) is a partner, or (e) an incorporated body in which any of the parties in (a-c) is a director* or (f) a body in which any of the parties in (a-c) has a beneficial interest in the securities) and the council - (i) under which goods or services are to be provided or works are to be executed; and (ii) which has not been fully discharged
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they

	were spouses/civil partners a right to occupy or to receive income.
Licenses	Any license (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the Councillor’s knowledge) – (a) the landlord is the council; and (b) the tenant is a body that (i) the Councillor; or (ii) the spouse or civil partner of the Councillor; or (iii) the person with whom the Councillor is living as if they were spouses or civil partners is a partner of, a director* of, or has a beneficial interest in, the securities* in.
Securities	Any beneficial interest in securities* of a body where - (a) that body (to the Councillor’s knowledge) has a place of business or land in the area of the council; and (b) either— i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which; (a) the Councillor; or (b) the spouse or civil partner of the Councillor; or (c) the person with whom the Councillor is living as if they were spouses or civil partners has a beneficial interest which exceeds one hundredth of the total issued share capital of that class.

* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.



Table 2: Other Registrable Interests

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

Appendix C – The London Local Government Anti-Racist Statement

Local authorities in London are committed to achieving racial equality because we recognise that persistent racial inequalities are unacceptable and adversely affect all Londoners.

We know that some groups are more likely to face inequality, experience poor outcomes and to live in poverty. We also know that this is sometimes used as an excuse not to acknowledge racial inequality. But groups don't happen to be more disadvantaged by chance. Structural disadvantage is rooted in racism and discrimination that is both historical and current.

We do have legislation to protect against overt racism, negative attitudes and treatment, but many of the systems that discriminate do so because of more subtle and covert unchecked "prejudice, assumptions, ignorance, thoughtlessness and racist stereotyping.

This wording draws on the Macpherson Report 1999 definition of institutional racism which is still relevant today. This is a dehumanising process that is unacceptable and communities are tired of being treated this way.

We cannot let another generation down by not responding what remains a clear and compelling articulation of what must change.

~~Statutory Officers' Code of Conduct~~ ~~Model Code of Conduct for Local Authority Employees~~¹²

~~Honesty, Integrity, Impartiality and Objectivity~~

- ~~1. An employee must perform his duties with honesty, integrity, impartiality and objectivity.~~

~~Accountability~~

- ~~2. An employee must be accountable to the authority for his actions.~~

~~Respect for Others~~

- ~~3. An employee must:~~
- ~~a) treat others with respect;~~
 - ~~b) not discriminate unlawfully against any person; and~~
 - ~~c) treat members and co-opted members of the authority professionally.~~

~~Stewardship~~

- ~~4. An employee must:~~
- ~~a) use any public funds entrusted to or handled by him in a responsible and lawful manner; and~~
 - ~~b) not make personal use of property or facilities of the authority unless properly authorised to do so.~~

~~Personal Interests~~

- ~~5. An employee must not in his official or personal capacity—~~
- ~~a) allow his personal interests to conflict with the authority's requirements;~~
 - ~~or~~
 - ~~b) use his position improperly to confer an advantage or disadvantage on any person.~~

~~Registration of Interests~~

- ~~6. An employee must comply with any requirements of the authority:~~
- ~~a) to register or declare interests; and~~
 - ~~b) to declare hospitality, benefits or gifts received as a consequence of his employment.~~

~~Reporting procedures~~

- ~~7. An employee must not treat another employee of the authority less favourably than other employees by reason that that other employee has done, intends to do, or is suspected of doing anything under or by reference to any procedure the authority has for reporting misconduct.~~

~~Openness~~

- ~~8. An employee must:~~
- ~~a) Not disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature,~~

¹² A statutory Model Code of Conduct for Local Government Employees is still awaited. The Government's draft Model Code of Conduct, on which stakeholders were last consulted in August 2004, is set out in this section.

- ~~without the consent of a person authorised to give it, or unless they are required by law to do so; and~~
- ~~b) Not prevent another person from gaining access to information to which that person is entitled by law.~~

Appointment of staff

- ~~9. An employee must not be involved in the appointment of any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative¹³ or friend.~~

Duty of trust

- ~~10. An employee must at all times act in accordance with the trust that the public is entitled to place in him.~~

¹³.) ~~‘Relative’ means a spouse, partner, parent, parent in law, son, daughter, step son, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons. Partner means a member of a couple who live together.~~

Member / Officer Protocol

1. INTRODUCTION

- 1.1 The traditional (and legal) position of local authority officers is that they are employees of, and serve, the whole Council. Officers support and advise the Council and constituent parts of its decision-making machinery, implement Council decisions, and may take decisions formally delegated to them through the scheme of delegation. All officers are required to be politically neutral, and for senior officers, this is enforced through the political restrictions of the Local Government and Housing Act 1989.
- 1.2 A copy of the draft Model Code of Conduct for Local Government Employees is set out elsewhere in this Constitution.
- 1.3 When the Council introduced its new political management and decision-making arrangements in 1998, it reviewed and updated its local codes and protocols to reflect the introduction of a political Executive. The changes reflected the shift towards more visible and accountable roles for elected members, and a relationship with Chief Officers which moved closer to the traditional civil servants' relationships to Ministers.
- 1.4 For the Council's current Constitution, these principles remain largely unchanged. The role of Cabinet Members, and a set of ground rules governing working relationships between Cabinet Members and Directors/Chief Officers, is set out below in a formal local protocol. Further local protocols similarly set out the role of Chairs of Scrutiny bodies (Policy and Accountability Committees) and their relationship with officers, and the role of the Opposition and their relationships with officers.
- 1.5 A summary of the principles applying to Chief Officers are set out below:
 - a) Chief Officers are employed to serve the whole Council, and remain ultimately accountable to the whole Council. They are also expected to provide a high level of support to the Administration of the day, to give advice to Cabinet Members, and to pursue and implement all lawful policies and decisions made by the political Executive (Leader and Cabinet Members) via the Council's formal decision-making processes.
 - b) All officers are required to be politically neutral, and for senior officers this is enforced through the political restrictions of the Local Government and Housing Act 1989. All officers are required to abide by the Council's local Code of Conduct for staff.
 - c) Chief Officers have individual responsibilities as defined in their job descriptions or delegated from full Council. In some cases, these will include professional or technical responsibilities of a statutory nature (e.g. regulatory functions, proper officer functions). These functions

need to be exercised without inappropriate interference, either from Councillors or from outside parties.

- d) Chief Officers with professional responsibilities may also have a duty to observe codes and standards set by outside professional bodies (e.g. accountancy, law, structural engineering). There may be occasions when these require to be treated as over-ruling the views of Cabinet Members or Council policy decisions (and should such circumstances arise, Chief Officers will need to report the position via the decision-making process).
- e) The Chief Executive and Chief Officers have a collective responsibility to advise the Council on its priorities, allocation of resources and forward programmes.
- f) Officers should conduct themselves with integrity, impartiality, and honesty. They should give honest and impartial advice to the Leader and other Cabinet Members without fear or favour, and make all information relevant to a decision available to them. They should not deceive or knowingly mislead Cabinet Members, other Councillors, or the public, or withhold information that may be relevant to a decision.
- g) In their dealings with non-Executive Councillors, officers should give careful consideration to the stage that policy deliberations or decisions have reached. Officers owe a duty to respect the confidentiality of the policy formulation process within the Council's political Executive (Leader and Cabinet Members), and where necessary should ask non-Executive Councillors to understand and respect their position in so doing.
- h) These principles apply to papers generated for policy formulation purposes within the Council's political Executive (Leader and Cabinet Members) or for initial discussion at party groups. It is a long-standing convention of the Council that such papers are treated as confidential, and officers should respect this principle, subject to the statutory provisions on access to information set out in the Local Government Act 1972 (as amended), the Freedom of Information Act 2000 and the Access to Information Procedure Rules set out in the Council's Constitution.
- i) Once the proposals and decisions of the Executive are published and become available for scrutiny, officers should assist in providing background information either to Councillors or the public.
- j) The Council's Executive arrangements, and the access to information procedure rules as set out in the Constitution, govern the principles whereby chief and other officers may meet with members of the Executive for the purpose of briefing Councillors, singly or collectively, in accordance with the provisions of the Local Government Act 2000.

- k) Chief Officers (and on some occasions other officers) may be invited to attend meetings of party groups, or single party meetings of Councillors, to provide briefings or background information. On such occasions, officers should not be asked or expected to take part in party political discussion or otherwise to compromise their political neutrality.
- l) Under NJC and APT&C contracts of employment, officers cannot be compelled to attend party group meetings at which there are those present who are neither Councillors nor Council employees. If attending any such meetings, officers should be particularly careful not to divulge any information confidential to the Council, and should take account of the fact that non-Councillors are not bound by the same requirements as Councillors in respect of confidentiality and declarations of interest.
- m) As set out in the Code of Conduct, officers should not without authority disclose information communicated in confidence within the Council, and not in the public domain. They should not seek to frustrate or influence the policies, actions or decisions of the Council by the unauthorised, improper or premature disclosure outside the Council of any information to which they have had access as officers.

2. DELEGATION

- 2.1 Chief Officers exercise functions and powers formally delegated by the Council, through the Scheme of Delegation. Where required (as in the case of any major decision taken by an officer), the exercise of such delegation must be published and recorded in writing. Delegation of specific statutory and non-statutory functions from the Council to individual officers within departments is set out within the Scheme approved by the Council on an annual basis. Where a Chief Officer is sub-delegating functions to named officers, this should be recorded within a written scheme held within each department.

3. WHERE THINGS GO WRONG

- 3.1 From time to time, the relationship between Councillors and officers may become strained or break down. While it is always preferable to resolve matters informally, through conciliation by an appropriate senior manager or Councillor, where matters are unresolved they should be referred initially to the Chief Executive or Monitoring Officer who will consult with appropriate Group leaders, in deciding on more formal routes for resolution.
- 3.2 In the event that a Councillor is dissatisfied with the conduct, behaviour, or performance of an officer, the matter should be raised with the appropriate Director.

4. WHISTLE-BLOWING

- 4.1 Separate local protocols at Council-wide level, and within certain individual Departments (Children’s Services) govern situations in which officers may legitimately need to disclose or report information in respect of potential illegality, maladministration, fraud or corruption. Procedures for such disclosure are set out in these “whistle-blowing” procedures.

5. CORRESPONDENCE

- 5.1 It is an accepted convention at LBHF that Chief Officers should be able to correspond with Cabinet Members in strict confidence, and vice versa. Where Opposition Members and MP’s seek information about Council services from a Chief Officer, it is also the convention that Chief Officers have a responsibility to keep Cabinet Members informed, normally by sending a copy of the response to the Cabinet Member, along with the original query.
- 5.2 Personal matters – in cases where an Opposition Member seeks information on a genuinely personal basis, then the initial letter and response should be confidential, and the appropriate Cabinet Member should not receive a copy.

NOTE: Chief Officers are Executive Directors or Service Directors

Local Protocol for Leader and Cabinet Members

1. INTRODUCTION

- 1.1 This protocol aims to ensure that the Leader and Cabinet Members, as members of the Council's political Executive, work to a set of ground-rules designed to maintain high standards of public accountability, mutual respect between Councillors and officers, and a clear understanding of the executive and scrutiny functions within the Council's decision-making structures.
- 1.2 The protocol remains broadly unchanged from that in place at LBHF since the Council introduced executive and scrutiny arrangements in June 1998.

2. GENERAL PRINCIPLES

- 2.1 Cabinet Members, along with all other Councillors, must observe the Council's Code of Conduct for Members, as adopted by the Council. (See Part 5 – Codes and Protocols - of the Council Constitution). This covers personal conduct, public duty and private interests, disclosure of interests, acceptance of gifts and hospitality, use of Council facilities, and the basic principles of relationships between Councillors, officers, and others.
- 2.2 Over and above these requirements, Cabinet Members have responsibilities, as set out in their individual portfolios, for making proposals to committee, and for decisions that are neither defined as Key Decisions nor delegated to officers, with appropriate support from officers. Cabinet Members have a responsibility to account to, and to be held to account by, the full Council and the Council's scrutiny arrangements (relevant Policy and Accountability Committees).
- 2.3 Cabinet Members should be as open as legally possible with scrutiny bodies and with the public. In a public forum however, information should not normally be disclosed where it has been categorised as exempt within the 7 definitions given in the Access to Information Procedure Rules set out in Part 4 of the Council Constitution (i.e. where specific grounds for confidentiality are stated), and/or the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.4 In developing their proposals and in making decisions, Cabinet Members should consult their colleague Cabinet Members, other Councillors, and the wider public.
- 2.5 Cabinet Members should keep separate their roles as Cabinet Member and as constituency Councillor, and should seek to ensure that no conflicts of interest arise. Should any conflict arise, Cabinet Members may wish to consider referring relevant decisions to the Cabinet, or to the Leader.
- 2.6 In accordance with the Council's Code of Conduct, Cabinet Members must not use Council resources for party political purposes. They must uphold the

political impartiality of the officer body, and not ask officers to act in any way which would conflict with the Council's Staff Code of Conduct, local protocol on Member/Officer relationships, or national Conditions of Service.

3. THE ROLE OF CABINET MEMBERS

- 3.1 The Leader is elected by the Council and other Cabinet Members are appointed by the Leader. Each has a defined portfolio of responsibilities. Cabinet Members do not have line management responsibilities for staff, and should not issue management instructions to staff.
- 3.2 The business conducted by Cabinet Members, singly and collectively, consists of:
- a) matters which will ultimately be decided by the full Council, because they form part of the Council's statutory budget and policy framework;
 - b) matters which fall clearly within the remit of a single Cabinet Member, and which may be key decisions published via the Key Decisions list, or lesser matters.
 - c) matters which cross the portfolios of more than one Cabinet Member, or on which there are unresolved issues between Departments.
- 3.3 Matters wholly within the responsibility of a single Cabinet Member and which do not involve collective responsibility will normally be discussed between the Cabinet Member and the relevant Chief Officer (or Chief Executive in the case of the Leader). Cabinet Members will then make recommendations to the Cabinet on these matters, or make decisions where these are not defined as Key Decisions under the Council's Constitution.
- 3.4 At this stage, Cabinet Members will have considered a written report on the matter, prepared in accordance with the Council's report writing guidelines. The Cabinet Member shall sign off this report prior to it entering the decision-making process, and the report will from then on provide background information on the matter in question, available to Councillors for scrutiny purposes and to the public (subject to the Access to Information Procedure Rules and other legislation).
- 3.5 Cabinet Members should respect the timetables and notice periods established via Governance and Scrutiny, so as to allow proper collective consideration of issues in the decision-making process.
- 3.6 In undertaking the roles inherent in an executive decision-making system, Cabinet Members and Chief Officers should respect the following principles:
- a) As 'visible' and accountable elected representatives, with defined responsibilities, Cabinet Members need to be properly briefed on all significant aspects of the work of the one or more departments that operate within their remit. Directors should ensure a proper information

flow so as to ensure that Cabinet Members can effectively undertake this part of their role.

- b) Good communications can best be achieved through planned and programmed meetings and briefing arrangements. On the basis that Directors should be ensuring that the information needs of Cabinet Members are met, Cabinet Members should in turn seek to avoid making requests for unanticipated briefings, or detailed information gathering exercises, which can unbalance planned departmental workloads.
- c) Cabinet Members should channel requests for information, advice, and other support via the Chief Officer, or via such arrangements as are agreed and established with the Chief Officer (e.g. Director's PA, specific Departmental Management Team members on specific issues). Cabinet Members should not normally approach other departmental staff direct with requests for information (except in cases of urgency) or seek to commission work from individual staff, as this can create conflict with day-to-day line management accountabilities.
- d) While Cabinet Members will wish to work with Chief Officers and senior managers in the development of policies and programmes, they should recognise that there are categories of officer-level meetings, both inside and outside the Council, where attendance by a Cabinet Member (or other Councillor) is inappropriate.
- e) Cabinet Members (and other Councillors) have collective responsibility to the Council for the conduct of employment policy, and the Council acts as the employing body for all Council staff. Employment policies, having been set by the Council, are implemented via Chief Officers. Cabinet Members should avoid becoming over-involved in issues of individual performance of officers or individual cases of grievance, disciplinary action, or harassment. Cabinet Members have the right, however, to bring to the notice of relevant Chief Officers any instances within their area of responsibility where they have evidence that there are problems of inefficiency or ineffectiveness, and to be kept informed of what course of action is being pursued in such circumstances.
- f) Under an Executive and Scrutiny system, Committee recommendations and 'non-key' decisions are published under the title of the relevant Cabinet Member, and Cabinet Members are expected to justify and account for their proposals to Policy and Accountability Committees and to Full Council as appropriate. In framing recommendations and making decisions, Cabinet Members are expected to take appropriate advice from relevant Chief Officers, who should ensure that full and proper professional, legal and financial advice is provided in writing, in reports to Cabinet Members.
- g) In bringing forward new policies and proposals, Cabinet Members may wish to discuss with Chief Officers, and via Chief Officers with senior officers preparing reports, the content of such reports and the framing of

recommendations. While Cabinet Members may wish to make suggestions on content and drafting, to achieve clarity of presentation, simplify jargon, or better explain issues, they should not attempt to edit out or override any content of reports which Chief Officers feel it important to put before the Council. This is especially relevant to matters of a professional or technical nature, and all Chief Officers retain an inherent right to report direct to all Committees where they consider it necessary.

- h) While reports and recommendations appear under the title of the relevant Cabinet Member, relevant Chief Officers will oversee their implementation and will therefore be assumed to accept responsibility for the professional and technical content of reports (subject to below).
- i) Where Cabinet Members wish to put forward proposals of their own (i.e. which have not been generated in discussion with a Chief Officer or via a Council department), this should be made clear in the 'contributors' section of any written report. In such instances, it is the responsibility of the Cabinet Member to seek any necessary legal or financial advice for inclusion in the report. Chief Officers may wish, and have a right, to add their comments to such reports.
- j) A number of Chief Officers exercise statutory functions or have individual responsibilities. Cabinet Members should not attempt to interfere with these roles. These include the functions of Chief Financial Officer and Monitoring Officer, details of which are set out in the Council's Constitution and local protocols.
- k) Similarly, other than in considering policy implications with the relevant Chief Officer, Cabinet Members should not become directly involved in the handling of individual cases on matters delegated to officers (e.g. planning, housing, child care, education), other than in exceptional cases, where a difference of view may need to be resolved through a report to Committee.

Cabinet Members and the Scrutiny Function

- 3.7 Where reports are referred or called in for scrutiny by Policy and Accountability Committees, Cabinet Members are expected to attend to answer questions. Cabinet Members will normally be briefed and able to answer the majority of questions themselves, as well as explaining and justifying where necessary the basis of the proposal or decision. On more technical or professional issues, Cabinet Members may wish to call on Chief Officers or specialist officers to answer questions and explain the basis for recommendations.
- 3.8 Where motions are raised at Council meetings, Cabinet Members have a right under the Council Procedure Rules to speak first in responding in debate, on matters within their portfolios.

Cabinet Members and fellow Councillors

- 3.9 The distinctive roles of Cabinet Members and 'non-executive' or backbench Councillors are well-established at LBHF.
- 3.10 Apart from the arrangements in place to ensure that backbench Councillors are informed of proposed Key Decisions via the Council's Key Decisions list, Cabinet Members should ensure they consult as necessary with colleagues in the early stages of formulating proposals. Ward Councillors in particular should be consulted on issues relevant to their Ward.

Cabinet Members and outside bodies

- 3.11 Cabinet Members represent the Council on a range of outside bodies, partnership meetings, and inter-agency structures. As such, they act as spokespersons for the Council, but do not have authority to bind or commit the Council to any decision that requires formal committee approval (i.e. a Key Decision or element of the Council's budget or policy framework).
- 3.12 The statutory Code of Conduct and the Council's local protocols contain detailed guidance for all Councillors on their role on outside organisations.

Cabinet Members and the Media

- 3.13 Cabinet Members act as spokespersons for the Council, in responding to the press and media and making public statements on behalf of the Council. Cabinet Members should liaise with the Communications Team on all forms of contact with the press and media. Annexed to this protocol is a code of practice for the issue of press releases.

Annex – Code of practice for the production of press releases

The guiding principles as to the issuing of press releases by local authority staff are governed by Section 2 of the Local Government Act 1986 and the Code of Recommended Practice on Local Authority Publicity (circular 20/88) which must always be taken into account in relation to all publicity issued.

The following is an extract from the Act:

"A local authority shall not publish any material which, in whole or in part, appears to be designed to effect support for a political party. In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and in particular the following matters:

- (a) Whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;*
- (b) Where material is part of a campaign the effect which the campaign appears to be designed to achieve"*

The Council is not therefore permitted to fund the production of press releases which are party political. To assist in defining this the following checklist can be used:

- party political logos should not be used
- party political names should not be used except where they are essential in describing a position
- the description of the party groups should normally be **Administration** and **Opposition** (although the political party can be used, normally in brackets, in absolutely exceptional circumstances for the purposes of clarity or where there is more than one opposition group)

However each case will turn on its facts and appropriate advice should be sought.

Local Protocol for Policy and Accountability Committee Chairs

1. INTRODUCTION

- 1.1 This protocol aims to ensure that Chairs of Policy and Accountability Committees work to a set of ground rules designed to maintain high standards of public accountability, mutual respect between Councillors and officers, and a clear understanding of the executive and scrutiny functions (Leader and Cabinet Executive model) adopted by the Council.

2. GENERAL PRINCIPLES

- 2.1 Chairs of Policy and Accountability Committees (PACs), along with all other Councillors, must observe the statutory Code of Conduct as set out in Part 5 of the Constitution. This covers personal conduct, public duty and private interests, disclosure of interests, acceptance of gifts and hospitality, use of Council facilities, etc., and the basic principles of relationships between Councillors and officers.
- 2.2 Over and above these requirements, Chairs of PACs have responsibility for ensuring the overview and scrutiny process operates fairly and openly.
- 2.3 Chairs of PACs should expect the Executive (Leader and Cabinet Members) to be as open as legally possible with PACs. In a public forum however information may not be disclosed where it has been defined as exempt under the Access to Information Procedure Rules set out in Part 4 of the Constitution. (i.e. where exempt reports are being considered, where specific grounds for confidentiality are stated).
- 2.4. Chairs of PACs have a right to be informed when the Executive is taking decisions not included in the Forward Plan in accordance with paragraph 16 (General Exception) of the Access to Information Procedure Rules. Chairs of PACs have the right to agree that in cases of special urgency (paragraph 17 of the Access to Information Procedure Rules) the taking of a decision cannot reasonably be deferred.
- 2.5 Chairs of PACs should keep separate their roles as chairs and as a constituency Councillors, and should seek to ensure that no conflicts of interest arise. They should be mindful of the provisions of the statutory Code of Conduct and not seek to use their position to influence events unduly.
- 2.6 In accordance with the statutory Code, they must not use Council resources for party political purposes. They must uphold the political impartiality of the officer body, and not ask officers to act in any way which would conflict with the local Code of Conduct for Staff, or Guidance for Chief Officers, or national terms and conditions of service.

2.7 Officers are required to assist PACs in the delivery of their role. Chairs of PACs, as with all Councillors undertaking overview and scrutiny, will however have to be aware of the resource consequences of any proposals. In some instances, requests for research in pursuit of overview and scrutiny may be refused on grounds of expense or time.

2.8 The protocol on Member / officer relations explains how Chief Officers must seek to serve the entire Council. This protocol should therefore be read in conjunction with the protocol on Member / officer relations, also contained in Part 5 of this Constitution.

2.9 In undertaking their role, the Chairs of PACs may wish to issue press releases. ~~The Communications Team should facilitate~~ All press releases will be issued by the Communications Team appropriately on their behalf.

3. ROLE AND REMIT OF POLICY AND ACCOUNTABILITY COMMITTEES

3.1 The general and specific roles and functions of PACs are set out in Article 6 of this Constitution.

4. PROCEEDINGS OF POLICY AND ACCOUNTABILITY COMMITTEES

4.1 PACs will conduct their proceedings in accordance with the Policy and Accountability Procedure Rules set out in Part 4 of this Constitution.

Local Protocol for the Opposition Leadership

1. INTRODUCTION

- 1.1 The term "Opposition" is applied to the largest group of Councillors not forming part of the Administration. Where non-Administration Councillors are of more than one group, the appointed leader of the largest of those groups is known as the "Leader of the Opposition".
- 1.2 This protocol is intended to set out agreed ground rules as to the special responsibilities that rest with Councillors forming the Opposition leadership. This is defined as the Leader, Deputy Leader and Opposition Whip, together with any other Councillors allocated special responsibilities. It should be read in conjunction with the statutory Code of Conduct, also in Part 5 of the Constitution.

2. STAFF

- 2.1 The Opposition leadership will have allocated to it a personal assistant, whose role is as set out in a job description. They are bound by the same terms and conditions as other local authority employees in relation to party political activity. Briefly, the job description contains provisions to:
- Undertake research
 - Provide administrative support
 - Provide secretarial support

3. MEDIA RELATIONS

- 3.1 The Opposition leadership act as spokespersons for their group, in responding to the press and media and making public statements. A code of practice for the issue of press releases is annexed below.

4. OPPOSITION ACCESS TO INFORMATION

- 4.1 The Council's Constitution sets out the general legal position on Councillors' rights of access to information. Whilst the Leader of the Opposition has no specific additional legal rights of access to Council documentation, they are likely to seek more information by way of the position held. The various tests under the "need to" principle, as enshrined in case law, will apply.
- 4.2 The right of access to committee reports, background papers etc. is governed by the Local Government Act 1972 (as amended), the Data Protection Act 2018, and the Freedom of Information Act 2000 (see Part 4 of this Constitution – Access to Information Procedure Rules).
- 4.3 It is a longstanding convention at this Authority, enshrined in the Member / Officer local protocol agreed between the political parties and adopted by the Council in 1994, that papers used in the "deliberative" stage of the political management process are treated as confidential to the

Administration of the day. Under the new executive structures adopted at the Annual Council in May 2002, this principle has continued to apply to the papers of Political Cabinet, briefings to Cabinet, Strategic Leadership Team, Business Delivery Team, Change Board, and Cabinet Member Board meetings. Agendas and papers of party groups on the Council are also treated as confidential.

5. CORRESPONDENCE

- 5.1 It is an accepted convention at this Authority that Chief Officers should be able to correspond with Cabinet Members in strict confidence and vice versa.
- 5.2 Where Opposition members seek information about Council services from a Chief Officer, it is also an accepted convention that Chief Officers have a responsibility to keep Cabinet Members informed through sending a copy of the response to the Cabinet Member, along with the original inquiry.
- 5.3 On personal matters where an Opposition member seeks information on a purely personal basis, then the initial letter and response should be confidential and the appropriate Cabinet Member should not receive a copy.

Annex – Code of practice for the production of press releases

The guiding principles as to the issuing of press releases by local authority staff are governed by Section 3 of the Local Government Act 1986, and the Recommended Practice on Local Authority Publicity (Circular 20/88) which must always be taken into account in relation to all publicity issued, is also highly relevant.

The following is an extract from Section 2 of the 1986 Act:

"A local authority shall not publish any material which, in whole or in part, appears to be designed to affect support for a political party. In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and in particular the following matters—

(a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;

(b) where material is part of a campaign the effect which the campaign appears to be designed to achieve"

The Council is not therefore permitted to fund the production of press releases which are party political. To assist in defining this the following checklist can be used:

- party political logos should not be used
- party political names should not be used except where they are essential in describing a position
- the description of the party groups should normally be Administration and Opposition (although the political party can be used, normally in brackets, in absolutely exceptional circumstances for the purposes of clarity or where there is more than one opposition)

However each case will turn on its facts and appropriate advice should be sought.

Local Protocol for the Mayor and the Civic Role

1. CIVIC ARRANGEMENTS

- 1.1 Civic and ceremonial events and engagements may be undertaken by any one of the following:
 - Mayor
 - Deputy Mayor
 - Leader
 - Deputy Leader
 - Cabinet Members
- 1.2 The appropriate Member will be selected by the Mayor's Office in consultation with the Members listed above according to the nature of the event or engagement.
- 1.3 The above Members shall be entitled to wear civic insignia when undertaking engagements on behalf of the Mayor.

2. BUDGETS

- 2.1 The Mayoral budgets, including reception and entertainment, shall be available for Mayoral and civic events and engagements. Approval of this expenditure shall be through the Assistant Director – Democratic, Registration and Coroner's Services.

3. USE OF OFFICIAL CAR

- 3.1 The Council maintains an official car which shall be available to the above members when they are undertaking Mayoral or civic events and engagements.

4. STAFF

- 4.1 Staff in the Mayor's Office assist the Mayor in the full delivery of services. They are also available to assist the other Members listed above when they are undertaking Mayoral or civic events or engagements.

Councillors' Support Guidelines

The Councillors' Support Service provides:

- Taking messages and giving advice on surgeries details
- Ordering of personalised H&F Council stationery

BULK MAIL OUTS

The Council does not provide a bulk mail facility for individual Councillors.

MOBILE PHONES

Mobile telephones are provided to Councillors who demonstrate they have a special need. That would normally mean a Councillor with special responsibilities and whose movements make other forms of contact difficult or unreliable. They will only be issued where it is in the clear interest of the Council.

The Council can only pay for outgoing calls on such mobile telephone when they are made on Council business.

Any personal calls made on a Council-provided mobile telephone should be paid for by the Councillor. Itemised monthly bills will be circulated to Councillors to help them identify such calls. In addition to the normal reasons around probity, this is important because if personal calls are not paid for, mobile telephones become taxable benefit.

The mobile telephones remain the property of the Council and should be returned in the event of changes in the circumstances which warranted their original issue.

NB:

- Confidentiality is important to Councillors and the strictest confidentiality in dealing with Councillors' work is maintained.
- The improper use of Councillors' support facilities (and for that matter any other Council facilities – headed note paper, photocopier etc.) could lead to legal challenge as set out in the Code of Conduct for Councillors.

For further information please contact:

Administration: Jane Sheehan, Leader's Office Chief of Staff -
Jane.Sheehan@lbhf.gov.uk

Opposition: Manjeet Bhullar, Executive Support Officer -
Manjeet.Bhullar@lbhf.gov.uk

Councillors Access to Information – Local Protocol

1. THE PROCESS

- 1.1 All requests for documentation from Councillors should be routed through the Chief Officer, or where that Officer is not available and the request is urgent, then it should be made to an Assistant Director or Head of Service, as appropriate. It would be for the Councillor to explain why their particular request needed an urgent response.
- 1.2 Councillors are requested to:
- Be as specific as possible about the documentation that they wish to see;
 - Normally make the request in writing; and
 - State the reason for wanting the information, and the purpose to which it will be put.

Note: The reason for asking Councillors to follow this procedure is not to be overly bureaucratic and cause delay, but to ensure that the appropriate information is supplied, and that “sensitive” information is safeguarded. This procedure is without prejudice to a Councillor’s rights under the Freedom of Information Act 2000 (see below).

- 1.3 If the Councillor’s request is considered legitimate by the Chief Officer, then the information will be supplied as soon as possible. However, if the Chief Officer considers that to meet the request would not be justified because of the administrative cost - for example because the documentation is too bulky to be photocopied, or would require expensive and continuing computer runs - then alternative arrangements to try to meet the request will be tried.
- 1.4 For instance, Councillors could be invited to inspect the relevant document(s) or file(s). This should be done under the supervision of a senior officer with knowledge of the subject area, and the Councillor should mark any documents requiring photocopying. The department may also wish to keep a record of what is copied.
- 1.5 If there are reasons why the Chief Officer feels that documents should not be disclosed and wishes confirmation of that view, then the matter should be referred to the Monitoring Officer or the Chief Executive. It should be noted that there are very few instances when a Councillor who satisfies the “need to know” criteria (set out in the section which deals with the legal situation below) should be denied access to the documentation. Normally, such documents will need to be defamatory or likely to lead to criminal prosecution or contain allegations of impropriety etc. before access is denied.

Note: Officers should be aware that files and other papers can be inspected, and that all files are the property of the Council, and are not exempt from inspection rights, except in rare instances.

2. THE LAW

2.1 A Councillor's right to inspect documents in the Council's possession is governed by statute, case law, the Council's Constitution and the Council's Members' Code of Conduct.

3. STATUTE (SECTION 100F OF THE LOCAL GOVERNMENT ACT 1972 AND RELEVANT REGULATIONS)

3.1 Any Councillor can inspect any document in the possession or control of the Council which contains material relating to any business to be transacted at a meeting of the Council, the Cabinet, a Committee or Sub-Committee (i.e. a decision-making body), subject only to the exceptions listed in the paragraphs below.

3.2 Schedule 12A of the 1972 Act (as amended) sets out 7 categories of information normally "exempt" from public access, but nevertheless subject to a public interest disclosure test whereby the public interest in maintaining the exemption must outweigh the public interest in disclosing the information.

3.3 If it appears to the Council's proper officer that a document discloses "exempt" information, then disclosure to a Councillor is not required, unless the information falls within paragraph 3 of Schedule 12A (the financial or business affairs of any particular person (including the authority holding that information), except to the extent it relates to any terms proposed by or to the authority in the course of negotiations for a contract; or if the information falls within paragraph 6 of Schedule 12A (that the authority proposes to give a notice or order under any enactment, by virtue of which conditions or requirements are imposed on a person). However, section 100F is in addition to a Councillor's other rights, and other tests may need to be applied.

4. CASE LAW

4.1 A Councillor as an elected representative has a duty to be kept informed of Council business, and therefore has a '*prima facie*' right to inspect documents in the possession of the Council, and has a "need to know" to perform that role. The following "tests" may prove helpful in establishing whether a Councillor has a "need to know":

- If a Councillor is a member of the Committee, then they have the right to inspect documents relating to the business of that Committee.
- If a Councillor is not a Committee member, then they have to demonstrate why sight of the document(s) is necessary to enable the performance of their duties as a Councillor.
- If the Councillor's motive for seeing the documents is indirect, improper or ulterior, then the normal entitlement could be barred.
- Councillors are not allowed a "roving commission" through Council documents, but have to specify precisely the documents or information they are requesting.

5. FREEDOM OF INFORMATION ACT 2000

- 5.1 A Councillor has some rights of access to information held by the Council under the Freedom of Information Act 2000 as a member of the public. A request under the Act must:
- Be in writing (electronic requests are acceptable)
 - Provide a name and address for correspondence
 - Describe specifically the information requested

Although a Councillor does not need to demonstrate a “need to know”, the Act contains a number of exemptions. For example, where information is confidential, consists of personal data, or is commercially sensitive, it is likely to be exempt from disclosure.

Thus a Councillor with a common law “need to know” will generally be entitled to more extensive information than would be available to him/her under the Act.

6. COUNCIL CONSTITUTION

- 6.1 Under the Council’s Constitution (see Council Procedure Rules 7(c), Access to Information Procedure Rules 23.4), the Chief Executive or a Chief Officer may refuse to provide information to a Councillor on the grounds of cost or “another good reason for non-compliance”. This is subject to the Councillor’s legal rights, or a relevant Committee authorising the provision of the relevant information. The bias will usually be in favour of access to information.

7. COUNCILLORS’ CODE OF CONDUCT AND DATA PROTECTION

- 7.1 Councillors are bound to abide by the provisions of the Council’s Members’ Code of Conduct in relation to information obtained by them. Councillors are also bound by the provisions of the Data Protection Act 2018, and should not use personal data for purposes inconsistent with the purposes for which it was obtained, or otherwise in breach of the data protection principles. If a Councillor is in any doubt as to the uses to which information may be put, (e.g. use of names and addresses whether in hard copy or electronic form) they should seek advice from the Monitoring Officer. Supplementary guidance and advice is available from the Information Commissioner: www.ico.gov.uk

Handling Councillor and MP Enquiries – Guidance for Councillors

1. INTRODUCTION

- 1.1 Elected Members have a responsibility to their constituents (at their discretion) to represent their views to the Council, and are often approached by them to advocate on their behalf. When this happens, the elected Member may contact the department and ask for information about policies and individual cases. This is known as a Councillor or Member of Parliament enquiry. The process for handling these enquiries and ensuring members receive appropriate, sensitive, timely and complete answers to their concerns is handled by the H&F InTouch Team.
- 1.2 This document seeks to set out the role of elected Members, to explain the relationship between elected Members and officers and to outline the Members' enquiry process. It should be read in conjunction with the Protocol for Councillors on Access to Information (also in Part 5 of the Constitution) where relevant.

2. ENQUIRIES

- 2.1 Citizens have the right to complain to:
1. the Council itself under its complaints scheme;
 2. the Ombudsman after using the Council's own complaints scheme;
 3. the Monitoring Officer about a breach of the Council's Members' Code of Conduct; and
 4. the Information Commissioner in relation to the Freedom of Information Act 2000 and the Data Protection Act 2018.
- 2.2 Elected Members:
1. Have rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 2. Will not make information that is confidential or "exempt" available to the public without the consent of the Council nor divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

3. MEMBERS' ENQUIRY PROCESS

- 3.1 When an elected Member is contacted by a constituent about a concern they have raised, the Member will contact the Council asking for an answer to that enquiry. The Council uses iCasework to manage these enquiries. Members are encouraged to use the Member's Portal to submit their enquiry via iCasework, so that they can monitor the status of the enquiry from receipt to response.

Timescales

- 3.2 The Council is committed to responding to all elected Members' enquiries within **eight working days** of receipt of the enquiry. However, enquiries from Cabinet Members are responded to **within a three working days** deadline. Urgent enquiries will be dealt with as soon as reasonably practicable bearing in mind the circumstances.

4. CONFIDENTIALITY

- 4.1 Elected Members are bound by the rules of confidentiality by their Code of Conduct. This Code of Conduct states that Members 'must not disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless required by law to do so'.
- 4.2 If an elected Member is enquiring about a case which is particularly sensitive, officers should highlight this in their response and the Chief Officer will ensure the elected Member is made aware of this.

5. THE RELATIONSHIP BETWEEN ELECTED MEMBERS AND OFFICERS

- 5.1 As a general rule, Councillors are expected to deal only with Chief Officers or Heads of Service. This is because:
- (a) Chief and senior officers are in a better position to provide authoritative information or advice and to generate a swift response;
 - (b) they need to be aware of any questions or complaints raised by members;
 - (c) they are able to respond directly to Members' requests, for example by making a judgment as to whether action could be taken under officers' delegated authority;
 - (d) they are able to investigate and deal with any shortcomings there might be at the point of service delivery; and
 - (e) more junior staff may be intimidated by dealing with a Member enquiry, or may give incorrect information, or may take inappropriate action.
- 5.2 Where an elected Member seeks information about a case from a member of staff below service manager level, they should seek the advice of a senior manager or the Complaints Manager.

6. FURTHER INFORMATION

- 6.1 If you have any questions about Members' enquiries please contact the Councillor and MP enquiry team: cllr&mpenquiryteam@lbhf.gov.uk

Planning and Licensing Guidance Code for Councillors and Officers

~~1. BACKGROUND~~

~~1.1 This Planning and Licensing Code supplements guidance should be read alongside the Council's Members' Code of Conduct which was issued to all Councillors on taking office and members should abide by both. The Members' Code of Conduct is set out elsewhere in Part 5 of the Constitution.~~

~~1.2 This guidance reflects the outcome of the work of the Nolan Committee on Conduct in Local Government, previous work by the local authority associations, and advice issued by the Audit Commission, the former Standards Board for England, the Local Government Ombudsman, and the various professional bodies in the planning field. The guidance also incorporates much of the advice set out in the Local Government Association publication 'Probity in Planning' published in November 1997. Parts of that guidance (e.g. on site visits) are not considered relevant or appropriate to the handling of planning issues within an inner London Borough, and therefore are not followed by this Council. The guidance also reflects the provisions of Chapter 6, Section 25 of the Localism Act 2011 in relation to predetermination of licensing and planning applications.~~

~~1.3 While the guidance (with the exception of that relating to predetermination) has no statutory status, failure to observe its follow the recommendations without good reason may be taken into account in any investigations for within both these codes may lead to an investigation by the Local Government Ombudsman into possible maladministration, or by the Council's Standards Committee when investigating allegations of breach of the Members' Code of Conduct.~~

2. TRAINING OF COUNCILLORS

2.1 It is the Council's policy to arrange training for all Councillors serving on the Planning and Development Control and Licensing Committees. Councillors must undertake this training prior to serving on these Committees.

2.2 In relation to licensing issues, the procedures followed by the Council's Licensing Sub-Committee are set down in detailed guidance documents such as the 'London Borough of Hammersmith and Fulham Statement of Licensing Policy 2022/2023' reviewed annually and the 'Procedure for hearings of the Licensing and Licensing Sub-Committee', issued to both the applicant and other interest parties. These will be reviewed in the light of experience of the working of the Licensing Act 2003. Further advice for Councillors and officers involved in the licensing process is set out later on in this protocol.

3. GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

3.1 The basis of the planning system is the consideration of private proposals against wider public interests. This involves balancing private interests in the

~~development of property against the wider interest of the community. Decisions should be made in accordance with Local Plan policies unless material planning considerations indicate otherwise and not on the basis of personal or political allegiances. While Councillors on the Planning and Development Control Committee will need to take account of the relevant views of their constituents (which also includes those who did not vote for them), they must be careful not to favour any person, group, company or locality, nor put themselves in a position where they appear to do so, during their involvement in the decision-making process. Nor must they give the impression that they have ‘made up their minds’ in relation to any particular matter before it is determined – see section 8 below. Councillors sitting as members of the planning committee have a duty to the whole community and not just to the residents and businesses within their Ward. They have a duty to be fair, reasonable and impartial when making decisions. While Councillors on the Planning and Development Control Committee will need to take account of the relevant views of their constituents (which also includes those who did not vote for them), they must be careful not to favour any person, group, company or locality, nor put themselves in a position where they appear to do so, during their involvement in the decision-making process. Nor must they give the impression that they have ‘made up their minds’ in relation to any particular matter before it is determined – see section 8 below.~~

- 3.2 Councillors serving on the Licensing Sub-Committee must determine each application on the evidence presented by both the applicant and interested parties at a hearing. Councillors need to take account of relevant representations made by interested parties who may or may not be their constituents, but should not favour any person, group, company or locality, nor put themselves in a position where they appear to do so, in making the decision. Councillors are barred from sitting on any Licensing Sub-Committees determining applications which fall within their own wards only where they have a disclosable interest under the Members’ Code of Conduct.
- 3.3 The advice in the Members’ Code of Conduct on dealing with gifts and hospitality can be particularly relevant when dealing with planning and licensing issues. Councillors and officers should be very circumspect in response to any offers of gifts and hospitality, should seek appropriate advice where necessary, and should record in the relevant register any gifts or hospitality they do receive. This applies particularly in circumstances where it is known that planning or licensing applications have been submitted, or are likely to be submitted, by the parties making such offers.

~~4. DECLARATION AND REGISTRATION OF INTERESTS~~

- ~~4.1 The requirements and guidance for registering and declaring interests are set out in the Council’s Members’ Code of Conduct and in the Officers’ Code of Conduct. The Local Government Ombudsman’s publication ‘Guidance for Good Practice on Members’ Interests’ also provides helpful advice.~~
- ~~4.2 All Councillors are required to register, and keep up to date, a written declaration of their interests in a Register held by the Monitoring Officer.~~

~~Officers are required to register their interests on departmental registers, held by their departmental personnel sections.~~

~~4.3 Detailed guidance on dealing with members' disclosable interests can be obtained from the Monitoring Officer. The general tests for deciding whether a disclosable interest exists are set out in the Members' Code of Conduct. Whilst Members are encouraged to obtain guidance and advice on declaring interests from the Monitoring Officer, ultimately, the responsibility for declaring any interest lies with the individual Councillors themselves.~~

~~4.4 Where a Councillor has declared a disclosable pecuniary interest, they must not take any further part in the proceedings (i.e. not speak or vote) and must withdraw from discussion at the meeting unless a dispensation has been obtained beforehand from the Council's Standards Committee. This is discussed in more detail below.~~

45. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS, OFFICERS AND THE COUNCIL

~~45.1~~ In circumstances where current or former Councillors or officers, or their close friends and relatives, are involved in submitting planning applications which would ordinarily be dealt with by officers, it is important that such applications are processed without suspicion of any impropriety. Where situations arise which could, in the opinion of the Monitoring Officer, create significant questions in the minds of the public, such applications should be referred to the Planning and Development Control Committee for determination.

~~45.2~~ Proposals for the Council's own development should be treated in the same way as those from private developers, in accordance with Circular I9/92, particularly in relation to officer advice.

56. LOBBYING OF AND BY COUNCILLORS

~~**NOTE: This section repeats verbatim paragraphs 7.1 – 7.9 of the LGA Guidance on Probity in Planning.**~~

~~56.1~~ It is important to recognise that lobbying is a normal and perfectly proper part of the political process: those who may be affected by a planning decision will often seek to influence it through an approach to their elected ward member or to a member of the planning committee. As the Nolan Committee's Third Report states. 'It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representatives, the Councillors themselves'. Any code of conduct which fails to take account of the realities of the political representative process will not carry credibility with experienced elected members.

~~56.2~~ However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Councillor being called into question. When being lobbied, Councillors, and

members of the planning committee in particular; should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant officer, in order that their opinions can be included in the officer's report to the Committee. ~~If they do~~ they should resist expressing an opinion, ~~they and~~ they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee. Councillors should report any substantive discussion with applicants to the Director of Planning and Property.

~~6.3 — It should be remembered that the reports on North Cornwall and Warwick were both greatly concerned with the issue of lobbying. In both cases, lobbying had caused considerable public mistrust of the Councils.~~

56.34 Councillors and members of the planning committee in particular; need to take account of the general public's (and the Ombudsman's) expectation that a planning application will be processed and determined in a transparently open and fair manner, in which members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. It is probably misleading to describe the determination of a planning application strictly as a 'quasi-judicial' process (unlike say, certain licensing functions carried out by the local authority), but it is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly, with the added possibility that an aggrieved party may seek Judicial Review of the way in which a decision has been arrived at, or complain to the Ombudsmen on grounds of maladministration.

~~6.5 — In reality, of course, members will often form a judgement about an application early on in its passage through the system, whether or not they have been lobbied. The difficulty created by the nature of the planning committee's proceedings as set out in paragraph 20 above is that members of the committee (at least those who are not Councillors for the affected ward – see below) should not openly declare which way they intend to vote in advance of the planning committee meeting, and of hearing the evidence and arguments on both sides.~~

~~6.6 — Political reality suggests that it is often important to distinguish between the role of the planning committee member who is, and who is not, a ward member for the area affected by a particular planning application. A planning committee member who does not represent the ward affected is in an easier position to adopt a (formally) impartial stance, however strong his or her feelings about the application may be, and to wait until the Committee meeting before declaring one way or the other.~~

~~56.47~~ A planning committee member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If the member responds to lobbying by deciding to go public in support of a particular outcome - or even campaigns actively for it - it will be very difficult for that member to argue convincingly, when the committee comes to take its decision, that he/she has carefully weighed the evidence and arguments presented -perhaps in some respect for the first time - at committee. ~~Although not amounting to a pecuniary or non-pecuniary interest [nowadays pecuniary or other significant interest] according to the National Code,~~ the proper course of action for such a member would be to make an open declaration and not to vote, otherwise they risk the decision of the committee being challenged. ~~This is, however, a severe restriction on the member's wish/duty even to represent the views of the electorate, and in most cases short of such high-profile, active lobbying for a particular outcome, it should be possible for a member to give support to a particular body of opinion whilst waiting until the planning committee and hearing all the evidence presented before making a final decision.~~

~~56.58~~ Given that the point at which a decision on a planning application is made cannot occur before the planning committee meeting, when all available information is to hand and has been duly considered, any political-group meeting prior to the committee meeting should not be used to decide how Councillors should vote. The view of the Ombudsmen is that the use of political 'whips' at group meetings in this way is maladministration. It should be evident from the previous paragraphs that it is very difficult to find a form of words which covers every nuance of these situations and which gets the balance right between the duty to be an active ward representative and what the (previous) National Code of Local Government Conduct calls the "overriding duty as a Councillor to the whole local community".

~~6.9— It cannot be stressed too strongly that the striking of this balance is, ultimately, the responsibility of the individual member, and that in doing so, regard needs to be paid to the general rules laid down in the (previous) National Code, particularly paragraphs 4 ('Whilst you may be strongly influenced by the views of others, and of your party in particular; it is your responsibility alone to decide what view to take on any question which Councillors have to decide') and 6 ('You should never do anything as a Councillor which you could not justify to the public).~~

~~6.10— A local code should also address the following more specific issues about lobbying:~~

~~•— Given that the point at which a decision on a planning application is made cannot occur before the planning committee meeting, when all available information is to hand and has been duly considered, any political-group meeting prior to the committee meeting should not be used to decide how Councillors should vote. The view of the Ombudsmen is that the use of political 'whips' at group meetings in this way is contrary to the (previous) National Code, amounting to maladministration. (See also paragraph 4 of the National Code, reproduced above.)~~

~~• With the exception in some circumstances of ward Councillors, whose position has already been covered in the preceding paragraphs, Councillors should in general avoid organising support for or opposition to a planning application, and avoid lobbying other Councillors. Such actions can easily be misunderstood by parties to the application and by the general public.~~

~~• Councillors should not put pressure on officers for a particular recommendation.~~

~~• Councillors who are unsure whether an interest should be declared should seek the advice of the council's monitoring officer; although, as indicated above, the decision rests with the Councillor.~~

67. PRE-APPLICATION DISCUSSIONS (PLANNING AND LICENSING)

67.1 Discussions between a potential applicant and the Council, especially on larger and/or more complex development proposals before the submission of a planning application, can be of considerable benefit to both parties. Potential applicants may seek meetings to discuss fairly detailed proposals, or they may wish to explore basic planning requirements before committing to initial design or even before acquiring a site. In some cases, prospective site purchasers may be in competition and the advice they seek will affect their tender price. In all such cases, it is beneficial for the Council to be able to advise at an early stage on how planning policy would be applied and known local factors taken into account.

67.2 Pre-application discussions on planning matters must be handled carefully, particularly because the prospective applicant will often expect them to take place on a confidential basis for commercial reasons. It is also important to avoid any discussions becoming, or even being seen to be, part of a lobbying process that could prejudice proper consideration of a subsequent planning application and any public consultation.

67.3 To avoid problems arising, the following guidelines should be followed (and they apply equally to meetings held after an application has been made):

- It must always be made clear at the outset that the discussion will not bind the Council to making a particular decision on a planning application, and that any views expressed by officers or Councillors are personal and provisional. By the very nature of such meetings, not all relevant information will be to hand; neither will formal consultations with interested parties have taken place.
- Advice must be consistent and based on the statutory development plan and known material considerations. There should be no significant difference of interpretation of planning policies between planning officers. In addition, all officers taking part in such discussions should make clear whether or not they are responsible for making the recommendation to Committee (or have delegated authority to determine applications).

- A written note should be made of potentially contentious meetings or telephone discussions, and a follow-up letter will normally be sent when documentary material has been left with the Council. If Councillors are present at meetings, at least one officer should also attend.
- Care must be taken to ensure that advice is impartial. In cases where there is competition between prospective purchasers or design consultants, officers will prepare a note on the application of normal planning policy and other known material considerations to the site. This will be used to ensure consistency of advice.

67.4 Any pre-application discussions on licensing matters are normally between officers and either the applicant or interested parties.

78. PREDETERMINATION

~~Chapter 6, Section 25 of the Localism Act 2011 – prior indications at to view of a matter not to amount to predetermination~~

78.1 The courts have accepted that Members may be politically predisposed on matters of policy or on the grant or refusal of planning permission on a particular site. This will only become unlawful predetermination if a Member firmly closes his or her mind to all other arguments and representations.

78.2 Section 25 of the Localism Act 2011 has clarified the law in this respect. It provides that a Member should not be taken to have had, or appear to have had a closed mind “just because” they have previously done anything that directly or indirectly indicated what view they might take in relation to a particular decision.

78.3 Members are not inhibited from fulfilling their political, democratic and representative roles but they must also be careful to take decisions properly and to be seen to do so. Members should be cautious about making statements which may give the impression that they have already decided an issue before a decision has been made. At all times, Members must go into a decision making meeting with an open mind, prepared to listen to argument and to have careful regard to the advice and material contained in the agenda. A Member should stand down from any agenda item where they have a relevant and current or recent private business or personal relationship and association with any applicant or applicant’s representative. If in doubt about this, Members should speak with the Monitoring Officer or his/her representative before any decision is made.

89. OFFICER REPORTS TO COMMITTEES

89.1 The LGA guidance sets out five points for officers to take into account in preparing reports on planning applications. These reflect good practice, and

failure to adhere to them could give rise to maladministration findings or judicial review of a decision.

- Reports should be accurate, and cover, among other things, the substance of relevant objections and the views of people who have been consulted, ~~as recommended by the Ombudsman in their Guidance Note No 2.~~
- Relevant points will include a clear exposition of the development plan, description of the site, ~~or any~~ related history, and any other material consideration.
- Reports should have a clear written recommendation of action. Oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur.
- Reports should contain a technical appraisal which clearly justifies the recommendation.
- If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify this must be clearly stated.

910. PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE

910.1 ~~Only the~~ The applicant or their agent and people who have commented on the application as part of the planning department consultation process in support or against are permitted to speak at Planning and Development Control Committee in accordance with the Protocol attached to this Guidance Note. At the Chair's discretion, other people may also be allowed to speak.

910.2 Written petitions made on a planning application are incorporated into the officer report to Planning and Development Control Committee. Petitioners, as members of the public, are welcome to attend meetings, but are not permitted to speak. They can however be represented by their Ward Councillor, who may address the Committee. Deputation requests are not accepted on applications for planning permission.

101. DECISIONS CONTRARY TO OFFICER RECOMMENDATION AND/OR DEVELOPMENT PLAN

101.1 Officers' reports on planning applications must make clear when proposals are not in accordance with the statutory development plan. All such applications are advertised in accordance with the requirements of Article 8 of the Town and Country Planning (General Development Procedure) Order 1995. Where officers' reports recommend the grant of planning permission for departure applications, the report will include a full justification for the departure, clearly identifying the circumstances which led to a recommendation to override the statutory development plan. The Committee report will be forwarded to the Secretary of State if the application is one which requires referral under the regulations.

~~104.2~~ If the Committee makes a planning decision contrary to the officers' recommendation (whether for approval or refusal), their reasons for doing so must be made clear before the Committee votes on the application and the reasons recorded in the Committee minutes.

10.3 Where there is any doubt as to the voting or of the actual counting of votes in relation to any particular application, clarification should be immediately sought by the Chair prior to dealing with the next agenda item.

10.4 The Chair should ensure:

- Members' comments at Committee only relate to the planning merits of the application before them;
- reference at Committee to non-planning issues by the public / Members are discouraged;
- the cross-questioning of speakers should only take place if there is need for clarification of what a speaker has already outlined;
- Residents and applicants understand that the late submission of evidence could lead to the deferral of the item and may not be permitted without agreement of all parties.

~~Officers will be able to assist in formulating technically correct reasons for refusal or additional planning conditions based on Members' clearly expressed wishes. If this is the case, it should either happen during the meeting, or be delegated to planning officers by the Committee. This too should be clearly recorded in the minutes.~~

112. SITE VISITS

~~112.1~~ Visits by members of the Planning and Development Control Committee to development sites will not normally take place. If, due to the exceptional circumstances of a particular case, it is wished to organise a site visit, this shall be by resolution of the Chair and will involve the attendance of appropriate planning officers as well. The application or enforcement case in question will then be determined either by a subsequent formal meeting of the Committee, or by officers acting under authority delegated to them by the Council, or by specific resolution of the Planning and Development Control Committee.

123. PARTY GROUP PRACTICES AT LBHF IN RESPECT OF PLANNING MATTERS

~~123.1~~ The Nolan Committee recognised that Councillors exercise, quite properly, two roles in the planning system. They determine applications, and also act as representatives of public opinion in their areas. Nolan recognised the importance of guidance to enable Councillors to achieve the 'delicate balance' in undertaking these two roles. Very prescriptive requirements on, for example, pre-application discussions, were not favoured by Nolan, as not necessarily being appropriate to all local authorities. It was felt that authorities

should have some room to determine their own ground rules, within a local code.

123.2 In respect of 'lobbying' of and by Councillors, London Borough of Hammersmith and Fulham is content to work within the guidelines developed by the LGA (see Section 6 above). Some additional local factors in respect of party group consideration of planning issues should, however, be noted by Councillors.

- a) The political parties on the Council may develop general policies towards different types of development within the borough and discuss these within group meetings.
- b) There will be occasions when specific development proposals or planning applications are discussed within pre-meetings, prior to formal determination at Committee. The Council does not consider such discussions to represent the 'fettering of discretion' of Councillors subsequently determining planning applications, provided individual Councillors have regard to all relevant considerations at the time of voting on an application.
- c) The Ombudsman generally regards a planning decision based on whipping as maladministration.
- d) It is the view of all parties on the Council that the political conventions and practices operated within the Council reflect a proper balance between the two roles Councillors are expected to undertake, as identified by the Nolan Report.

134. COUNCILLORS AND LICENSING SUB-COMMITTEE HEARINGS

134.1 The Council's Licensing Sub-Committee deals with all licensing applications under the Licensing Act 2003, together with some miscellaneous non-Licensing Act functions, such as street trading.

134.2 Where the Licensing Sub-Committee is dealing with an application under the Licensing Act 2003, the Act imposes limitations as to who may appear before the Sub-Committee and make representations to it. (NB: this does not apply to hearings concerning non-Licensing Act functions). In such cases, Councillors do not automatically have a right to attend and make representations by virtue of their office. A member may represent interested parties who have made relevant representations at their request.

134.3 However, members whose eligibility to speak arises because they are themselves an interested party will almost certainly have a disclosable interest and will need to consider whether they have a disclosable interest which may prevent them from attending (see below). Members wishing to speak at Licensing Sub-Committee hearings are advised to obtain advice in advance from the Monitoring Officer ~~for~~ Director, Legal Services.

145. APPLICATION OF THE COUNCILLORS' CODE OF CONDUCT

- 145.1 ~~A-All~~ Councillors wishing to attend a Committee meeting will be required to declare a disclosable pecuniary interest and such a Councillor will be precluded from participating in discussion of the matter and may not be present in any capacity when the application is considered by the Committee. In such a case the Councillor may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the matter. They must then leave the room and not participate further in the meeting.
- 145.2 It should be noted that where a Councillor has a disclosable pecuniary interest, they may not be present when it is being discussed by a formal meeting even though this might put them at a disadvantage compared to ordinary members of the public. Councillors may not “act in a personal capacity” so as to avoid the requirements of the Code of Conduct, and this has been confirmed by the Court of Appeal in the case of ***R (Richardson & Others) v North Yorkshire County Council***. Any Councillor considering speaking at a Committee in circumstances where a disclosable pecuniary interest may arise is therefore advised to obtain prior advice from the Monitoring Officer before doing so. It should be noted that while the Council’s Code of Conduct allows a Councillor with a disclosable pecuniary interest to make representations, answer questions and give evidence before leaving the room this only applies if members of the public are also allowed to attend for the same purpose. In other words, this will be of assistance to Members in Licensing matters and in Planning matters. A Member may still make written representations in a private capacity, use a professional representative to act on their behalf or get another Member to represent the views of their constituents.
- 145.3 The facility does exist for Members to obtain dispensations from the Standards Committee where a Committee may become inquorate and in other limited circumstances. Advice on this is available from the Monitoring Officer.

15. Appeals

- 15.1 Appeals against the planning decisions of the Council are heard by a Planning Inspector appointed by the Secretary of State. Any hearing or inquiry will be open to the public and Councillors are able to attend. Councillors are encouraged to attend such hearings, as they can be a good learning experience. This part of the Code is concerned with Councillors who wish to actively participate in these appeals.
- 15.2 If a Councillor wishes to attend a public inquiry or informal hearing as a Ward Councillor or as a member of the public, they are free to do so. It is strongly recommended that they discuss their participation with the Director of Planning and Property to ensure that they are aware of the process. ~~and that they do not act in a manner which compromises their position as a Member of~~

~~the Council, brings the Council into disrepute or puts the decision made at risk of challenge.~~

15.3 Where the decision of planning committee members is contrary to the officer's recommendation, officers are generally able to present the Council's case in a satisfactory manner. Where this may not be possible, the case will be presented by a planning consultant employed by the Council.

Public Speaking at Planning and Development Control Committee Protocol

Members of the public are welcome to attend the Planning and Development Control Committee meeting.

Who can speak?

Only the applicant or their agent and people who have commented on the application as part of the planning department consultation process in support or against will be permitted to speak at the meeting. They must have been registered to speak before addressing the Committee. Ward Councillors may sometimes wish to speak at meetings even though they are not part of the Committee. They can represent the views of their constituents. The Chair will not normally allow comments to be made by other people attending the meeting or for substitutes to be made at the meeting.

Do I need to register to speak?

All speakers except Ward Councillor must register at least two working days before the meeting. For example, if the Committee is on Wednesday, requests to speak must be made by 4pm on the preceding Friday. Requests received after this time will not be allowed. Registration will be by e-mail only. Requests are to be sent to speakingatplanning@lbhf.gov.uk with your name, address and telephone number and the application you wish to speak to as well as the capacity in which you are attending.

How long is provided for speakers?

Those speaking in support or against an application will be allowed three minutes each. Where more than one person wishes to speak for or against an application, a total of five minutes will be allocated to those speaking for and those speaking against. The speakers will need to decide whether to appoint a spokesperson or split the time between them. The Chair will say when the speaking time is almost finished to allow time to round up. The speakers cannot question councillors, officers or other speakers and must limit their comments to planning related issues.

At the Meeting – please arrive 15 minutes before the meeting starts and make yourself known to the Committee Co-ordinator who will explain the procedure.

What materials can be presented to committee?

To enable speakers to best use the time allocated to them in presenting the key issues they want the committee to consider, no new materials or letters or computer presentations will be permitted to be presented to the committee.

What happens to my petition or deputation?

Written petitions made on a planning application are incorporated into the officer report to the Committee. Petitioners, as members of the public, are welcome to attend meetings but are not permitted to speak unless registered as a supporter or objector to an application. Deputation requests are not accepted on applications for planning permission.

Planning Committee – Disclosure of Confidential Information Protocol

1. Introduction

1.1 This Protocol sets out further guidance in respect of requests by Committee members for information relevant to planning matters submitted in confidence by third parties. It should be read in conjunction with the Local Protocol For Councillors On Access To Information in the Council's Constitution. This Protocol deals with information which is exempt from disclosure under the provisions of the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Local Government Act 1972.

2. The Issue

2.1 Financial viability is a material planning consideration in terms of the likelihood of the proposed development being carried into effect. This can be a very important issue when assessing the acceptability or otherwise of a development proposal, particularly where the proposal may not accord with the targets set by planning policy. The government encourages local planning authorities not to impose requirements on developers which render proposals non-viable unless serious harm would arise. It is frequently the case, that a judgement has to be made regarding the viability of a development proposal and the impact on viability of any changes or obligations which the Council wishes to impose. Issues which typically arise and have most impact on viability include the quantum and density of development, the tenure mix of residential schemes and the scale of any planning obligations to be incorporated within a proposed s106 Planning Agreement.

2.2 Furthermore, financial viability is a consideration within the statutory development plan in relation to the provision of affordable housing. It is referred to in both London Plan policy 3.12 and Core Strategy policy H2. Relevant policies are also contained in the draft Local Plan (HO3).

2.3 In order for the Council as planning authority to properly determine the effect of planning requirements on development viability, the assessment and negotiation of planning applications frequently involves the consideration of financial and commercial appraisals prepared by developers. The Council's Viability Protocol which it is intended in due course will become part of the Local Plan provides that, where consideration of the financial viability of a development is relevant the applicant must submit an "open book" financial viability assessment (FVA). The local validation list also provides that an FVA must be submitted at the time the planning application is made. The FVA will be publicly accessible along with all the supporting planning application documents. In exceptional circumstances at the request of the applicant, specific elements of the FVA may be treated as confidential and not be made public but only where the applicant has demonstrated that disclosure would cause harm to public interest to such an extent that the harm outweighs the benefits of disclosure.

~~2.4—In such cases where the Council has accepted that information can be provided by an applicant to the Council on a confidential basis the Council is under a duty to not to disclose that information to anyone else unless allowed or required to do so by law. Should the Council breach this duty it may be liable in damages for any loss caused. A member or officer who breaches confidentiality may also find themselves pursued personally by the person to whom the duty is owed in addition to any disciplinary proceedings which may be brought by the Council. It is therefore essential that all such information is carefully protected and where it is lawfully disclosed e.g. to Members, that such disclosure can be justified and that appropriate measures are taken to ensure the Council complies with its obligations. This Protocol applies to such confidential information.~~

~~3.—The Principles~~

~~3.1—The legal principles to be applied in relation to a Member's right to access information held by the Council are established in the leading House of Lords case of Birmingham City Council v. O [1983] and can be summarised as follows.~~

- ~~a)—A Member does not have a roving commission to have access to any and every document in the Council's possession.~~
- ~~b)—Where a Member can establish a "need to know" to carry out their functions as a member then they will have extensive rights to access information, including confidential information.~~
- ~~c)—It is for the Council (though delegation if it wishes) to decide in any given case whether a "need to know" arises subject to the usual Wednesbury principles.~~

~~3.2—It should be noted that:~~

- ~~a)—A Member's motive and the use to which they intend to put the information are highly relevant to establishing a "need to know". An improper motive may vitiate a request.~~
- ~~b)—Each request must be decided on its merits and on the basis of a properly made request.~~
- ~~c)—In cases where the matter is not clear cut the final decision rests with the Council and the Courts will only interfere with such a decision where it can be shown to be irrational.~~
- ~~d)—The Council has a duty to balance the rights of its Members with the rights of third parties who have submitted information in confidence.~~
- ~~e)—The right to have access to information does not necessarily confer a right to a copy of the information in permanent form.~~
- ~~f)—Under the Council's Constitution decisions as to whether a "need to know" is established are delegated to the relevant Chief Officer.~~

~~4.—Financial & Commercial Information & Committee Reports~~

~~4.1—As with all Council decision makers, the Committee is under a duty when making decisions to take into account all relevant matters. It follows that sufficient information must be contained in officers’ reports to permit intelligent consideration of all relevant matters. However, public administration would be impossible if Members were required to consider each and every relevant document in full and it is well established that Members may rely on officers to summarise and filter information and to present it in a digestible and readily understandable form.~~

~~4.2—For example, in the case of English v. East Staffordshire Borough Council [2010] it was held that it was perfectly proper for the committee to take a decision where the “gist” of the information but not the detail was provided in the report and had been subject to independent scrutiny. The committee had not requested the detailed information and had considered the contents of the report sufficient to enable them to properly consider the application.~~

~~4.3—The planning officers’ report to committee must, where relevant to an application under consideration, make explicit how financial viability has been considered in the assessment of the application and the formulation of the officers’ recommendations. In some cases, reliance will have been placed on assessment of viability data by in-house specialist property staff. In other cases external professional advice will have been sought from a valuation / accountancy company instructed by the Council and independent from the developer. As well as the original financial appraisal material submitted by the developer, there may be a written assessment provided by the professional valuation / accountancy advisors drawing conclusions from their independent review of the material provided by the developer. The officers’ report should summarise the gist of such material and independent advice without disclosing any commercially confidential exempt data.~~

~~5.—Requests for Confidential Information~~

~~5.1—Requests by Members for confidential information relating to planning matters should always follow the requirements of the Constitution which provides as follows:~~

~~“1.1—All requests for documentation from Councillors should be routed through the Director, or where the Director is not available and the request is urgent, then it should be made to an Assistant or Deputy Director, or Head of Service as appropriate. It would be for the Councillor to explain why their particular request needed an urgent response.~~

~~1.2—Councillors are requested to:~~

- ~~• Be as specific as possible about the documentation that they wish to see;~~
- ~~• Normally make the request in writing;~~
- ~~• State the reason for wanting the information, and the purpose to which it will be put.”~~

- ~~5.2—In addition, requests in relation to confidential planning information must always be made in writing and provide full reasons in order that they may be relied upon in any subsequent litigation.~~
- ~~5.3—Where a Member considers that they require the information in relation to an upcoming committee meeting and they consider the treatment of the matter in the published officers' committee report to be inadequate then they shall provide full reasons for this belief in good time before the meeting, by writing to or e-mailing the Director and they should copy the request to the Chair who may at his discretion consult with other committee members. In such circumstances the Director shall consult with the Chair before reaching a decision. The Director shall provide reasons in writing for his decision.~~
- ~~5.4—Where the Director concludes that the information should be disclosed they may impose such conditions as they consider reasonable in the circumstances to protect the Council including requiring the Member to sign a confidentiality agreement undertaking not to share or disclose any of the information to any other person and allowing inspection of documents only rather than the provision of permanent copies.~~
- ~~5.5—It follows that if a Member has been granted access to commercially sensitive financial information provided to the Council in confidence, no reference to it can be made in public. The *nature* of the appraisal and the conclusions of any independent assessment or review of it can be discussed at the planning committee, but there must be no discussion or disclosure of any of the commercially sensitive material or data contained within it in open session.~~

Guidance on Gifts and Hospitality

1. The previous National Code of Local Government Conduct set out the position in respect of gifts and hospitality in paragraphs 27-29 as follows:

“You (Councillors) should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing, or seeking to do, business with the council, or may be applying to the council for planning permission or some other kind of decision.

There are no hard and fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that they are approved by the local authority and that no extravagance is involved. Likewise it may be reasonable for a member to represent the council at a social function or event organised by outside persons or bodies.

You are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government. The offer or receipt of gifts or invitations should always be reported to the appropriate senior officer of the council”.

2. This advice still holds true in respect of the relevant paragraph of the Council’s Members’ Code of Conduct, to which regard must be paid. This states that Councillors must, **within 28 days** of receiving any gift or hospitality with an estimated value of at least **£50**, provide written notification to the authority’s Monitoring Officer of the existence or nature of the gift or hospitality, which is classed as a personal interest (see paragraph 6 of the Members’ Code of Conduct).
3. As with employees, Councillors should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority or community. Offers to attend purely social or sporting functions should only be accepted when these are part of the life of the community or where the authority should be seen to be represented. Some Councillors represent outside or London-wide organisations (e.g. Western Riverside Waste Authority) and may be offered gifts or hospitality in that capacity. Councillors should not accept significant personal gifts from contractors or suppliers, although insignificant gifts or tokens such as pens, diaries etc. up to a value of £50 are acceptable. Modest gifts over this level from constituents, which are tokens of thanks or appreciation, are acceptable so long as:
 - (a) they are unsolicited, and
 - (b) the Councillor did nothing unlawful or out of the ordinary.
4. When receiving hospitality, Councillors should be sensitive to the timing of decisions for letting of contracts or other matters (e.g. planning applications) in

which the provider is involved.

5. There can be no hard and fast rules in respect of hospitality. However, given the numerous events to which Councillors may be invited, the following advice is offered, although the responsibility both for accepting and declaring hospitality remains with individual Councillors. In each of the criteria listed, it is assumed that there is a valid link with the Council and the Councillor. The following are generally considered to be acceptable, but should be registered through the declaration form:
 - sit down meals
 - any hospitality involving alcohol (even if the individual does not partake)
 - substantial buffets

Generally speaking the following are considered to be *de minimis* and need not be registered:

- tea and biscuits
- sandwiches
- minimal buffets

Having said that, it is conceivable that even normally *de minimis* hospitality could become significant and therefore registerable if it coincides with a decision affecting the giving body.

6. Acceptance of hospitality whilst in attendance at relevant conferences is acceptable where it is clear the hospitality is corporate rather than personal.
7. There is a register of all declared gifts and hospitality. This register is in the form of a database similar to the one used for the declarations of interest by Councillors at meetings, and like that system, would be on the basis of forms submitted by Councillors. Councillors are advised that any gift or hospitality should be recorded on this register. The register is kept by the Monitoring Officer but is available for inspection by any member of the public. It has been registered under the Data Protection Act. In the case of hospitality or gifts received as a representative of an outside body, Councillors should declare that gift/hospitality to both this authority and to that organisation.
8. In addition to recording all gifts and hospitality accepted, Members are encouraged to report all offers of gifts and hospitality declined. This is to encourage transparency and maintain public confidence in the system.
9. Gifts and donations to the Mayor received in the performance of Mayoral duties, including charity fundraising, are excluded from this process as they are covered by other audit controls.

Guidance for Members and Officers on the Requirement to Declare Related Party Transactions

1. INTRODUCTION

The requirement for Members and Chief Officers to declare Related Party Transactions has been considered by the Accounting Standards Board as fundamental to the presentation of the Council's published accounts. It has been introduced nationally in the belief that the truth and fairness of the accounts can only be readily understood if the reader has knowledge of the related parties to the organisation concerned.

- 1.2 In addition, organisations should be open and disclose transactions with such related parties to ensure that stakeholders are aware when related party transactions are taking place and the values of such transactions. Advice issued by the Audit Commission to external auditors requires the completion of a signed declaration on an annual basis.

2. WHAT IS A "RELATED PARTY"?

- 2.1 The principal issue in determining whether or not a related party status exists is the degree of control exerted by one party over the other. This can arise during a financial period where:

- one party has direct or indirect control of the other party;
- one party has influence over the financial and operational policies of the other party; or
- the parties are subject to common control or influence from the same source.

- 2.2 It should be noted that the disclosure requirement relates to transactions, not to the existence of a related party interest.

- 2.3 Put simply, the objective is to identify any transactions which may have taken place as a result of the control or influence exercised by one party over another. The concern is that such transactions may not be, or may not be perceived to be, in the best interests of the Council.

3. WHO ARE THE RELATED PARTIES OF A LOCAL AUTHORITY?

- 3.1 The Accounting Code of Practice for Local Authorities issued by the CIPEA sets out the regulations to be followed in preparing Local Authority final accounts for 1998/99. It identifies the main related parties for a local authority. Of particular relevance to these guidance notes is the inclusion of Members and chief officers of the Council. Other related parties include:

- Central Government;
- Local Authorities and other bodies either precepting or levying demands on the council tax;
- Any subsidiary and associated companies;
- Any joint ventures and joint venture parties;

- The pension fund.

4. ARE FAMILY, HOUSEHOLD AND BUSINESS INTERESTS AFFECTED?

- 4.1 Yes. When considering who is a related party, regard is also taken of transactions involving members of the close family or same household of any individual listed. In addition, if any individuals are associated with partnerships, companies, trusts or any entities in which they or a member or their close family or the same household, have a major interest, transactions with that organisation should also be disclosed.

5. EXAMPLES OF QUALIFYING INTERESTS

- You own a company or have a major shareholding in a company which contracts with the Council.
- A close relative or a member of your household owns a company or has a major shareholding in a company which contracts with the Council.
- You hold a position of influence within a voluntary organisation that receives grants from or provides services to the Council.
- You (or a close relative, or a member of your household) are in receipt of income from an organisation that relies upon the Council for funding, e.g. a voluntary group.
- No specific limit has been given for what constitutes a major shareholding, but, as a broad guideline, more than 20% of the total should be taken as coming within the scope of these requirements.

6. EXAMPLES OF RELEVANT TRANSACTIONS

- Payments under contract for the purchase or sale of assets, e.g. land transactions or equipment supplied to the Council.
- Payments under contract for the supply of services to the Council, e.g. printing or building contracts or the management of Council services.
- Payments or loans to chief officers of an exceptional nature not covered by normal contracts of employment.

The requirement also extends to non-financial transactions, of which some examples are:

- The provision of a guarantee in relation to a liability or obligation of a related party, e.g. a loan guarantee to a sports club in which a member or chief officer holds a position of influence.
- The reduction or waiving of a charge for services, e.g. free use of facilities for particular individuals or groups.

7. ARE THERE ANY EXCEPTIONS?

- 7.1 Yes. Where transactions are common to all individuals, they need not be declared. For example, there is no need to declare payments of Council tax, rent or Housing Benefit, which are transactions that would occur whether or not the individual was a related party to the authority.

- 7.2 This principle can be applied to cover any payment or benefit which arises under circumstances for which there is a statutory scheme or for which the Council has established eligibility criteria, e.g.:
- housing renovation grants;
 - mandatory or discretionary student awards;
 - planning consents;
 - provision of care services;
 - season ticket or car loans.

8. IS WHAT I DECLARE LIKELY TO BE DISCLOSED IN THE COUNCIL'S ACCOUNTS?

- 8.1 It can generally be assumed that it will. However, disclosure will not be required in the accounts when the dealings between the Council and related party are not considered to be material. The Executive Director of Finance & Corporate Services has to assess materiality in relation to the authority, and also in relation to the related party. Consequently, a figure which may not be material to the Council's balance sheet would still be disclosed if it was material to the finances of the individual concerned. It has been suggested that transactions above £5,000 be considered material for the purposes of this disclosure.
- 8.2 If any disclosure becomes likely, a draft of the proposed disclosure note will be provided to the individual for comments prior to publication.

9. HOW DO I MAKE MY DECLARATION?

- 9.1 Each year you will be asked to sign a form of declaration. This will be kept securely and confidentially by the Executive Director of Finance & Corporate Services. If you have any related party transactions to disclose, the form asks for brief details of the transaction and the sums involved. The form should be returned to the Executive Director of Finance & Corporate Services.

Guidance for Councillors and Officers Involved in Outside Organisations

1. INTRODUCTION

- 1.1 Councillors are often appointed or nominated by the authority to represent it on the management committees of outside bodies, or will be involved in such bodies in their own personal capacity either as ordinary members or as members of the management committee board of trustees, executive committee etc.
- 1.2 The authority generally encourages Councillors and officers to be active citizens and to participate in the wider community in this manner. Not only does it enable the authority to participate in partner organisations, but it also means that Councillors and officers bring back to the authority additional knowledge and experience which are of value to the authority. However, if Councillors or officers are to take on such additional roles, it is important that they appreciate the responsibilities which they are taking on, understand how these responsibilities interact with their existing responsibilities to the authority, and recognise and deal with any conflicts of interest which may arise.

If you are appointed or nominated by the Council it is vital that you read this guide and bear it in mind when carrying out your duties.

General Responsibilities and Liabilities of Members of Managing Bodies

- 1.3 Any member of a managing body has a responsibility to take the task seriously, attend meetings and carry out work for the organisation. Some organisations have rules about attendance (e.g. missing a number of consecutive meetings may lead to loss of the place on the committee). In view of the very considerable demands on Councillors' time and energy, it is prudent to check what is expected before accepting a place and to be clear what commitment can be made right from the start so that the organisation does not have unrealistic expectations.
- 1.4 In participating in outside bodies, Councillors and officers act both as individuals and, in some instances, as representatives of the authority. This entails:
- (a) **Positively**
- acting according to the rules, constitution and framework set by the outside body;
 - making independent and personal judgments in line with the duty of care to the outside body;
 - possibly reporting back to the authority, where they have been appointed by the authority;
 - behaving ethically and following as far as applicable the authority's

local Code of Conduct for Members or the National Code of Conduct for Officers;

- taking an active and informed role in the management of the outside body's affairs.

(b) **Negatively**

- Unless appointed specifically to represent the authority, it does not entail following instructions from the authority;
- It does not entail following instructions from a political party to which the Councillor may owe their political loyalty;
- It does not entail avoiding taking part in the outside body's discussions and decisions;
- It does not entail looking at things simply from the Council's perspective;
- It does not entail being there in name only and merely turning up to meetings.

1.5 The role of Councillors or officers on outside bodies may give rise to occasional conflicts of interest. If any matter relating to the outside body comes up in the course of the Councillor's work as a Councillor, or in the officer's work for the authority, it is likely that the Councillor or officer will have a significant interest which they will have to disclose. Where the conflict is such that it might be considered likely to affect the way that the Councillor would vote or act as a Councillor, they may have not only to disclose the outside interest but to take no part in the consideration of the matter.

1.6 In a very few and extreme cases, if there is a major dispute between the Council and the outside body, the Councillor or officer could be placed in an untenable situation. It is possible that the Councillor or officer may find they are unable adequately to carry out their responsibilities properly, both as a Councillor or officer and as a member or director of the outside body. But such circumstances would be rare and should not deter Councillors or officers generally from being prepared to participate in the management and running of outside organisations.

1.7 Because there is always a potential for conflict between the interests of the authority and the outside body, Councillors and officers who are thinking of taking on such an outside interest should consider how that interest will affect their ability to continue to act as a Councillor or as an officer. Councillors and officers are asked to read the guide and if there are issues arising from their particular situation at any time, to contact the Monitoring Officer for advice.

1.8 This advice is for Councillors and officers who represent the Council on organisations outside the Council, for example as a company director, the trustee of a charity or a member on a management committee. It sets out some of the most important responsibilities. It is not meant to be a comprehensive guide. If Councillors or officers have specific queries, the Monitoring Officer would be happy to advise you.

2. GENERAL ADVICE

- 2.1 Local authorities are often asked to nominate Councillors and officers to take part in outside bodies. The range of such external activities is very wide.
- 2.2 If you are asked to allow the authority to put your name forward, you should ask the authority for a clear statement of what will be expected of you. Any organisation which asks the authority for such a nomination should be able to provide this information. If it is unable to provide such information, you should ask whether you want to be a member of such an organisation.
- 2.3 You will probably be agreeing to be a member of that outside body because it is active in an area which is of particular interest to you. But you should be aware that the rules on such outside interests may limit your ability to continue to take an active part in this topic within the authority. You may have to disclose membership of the outside body in your dealings with the authority. Where any conflict of interest arises between the outside body and the authority, it is likely that you will have to withdraw from any consideration by the authority of any matter affecting the outside body, unless the outside body is another public authority, or you are appointed strictly as the representative of the authority. This aspect is dealt with in more detail below.
- 2.4 As a member of an outside body, you will be expected to participate fully in that organisation. If your other commitments mean that you will regularly have to miss meetings of the organisation, or that you have to withdraw from meetings because of conflicts of interest, you will be doing that organisation no favours, and this may reflect badly on the authority which put your name forward. If you neglect your responsibilities to that outside body it is even possible that you will incur a personal liability. Therefore do not allow your name to be put forward unless you are satisfied that you can participate fully in that organisation.
- 2.5 In almost all circumstances you will owe a duty to act in the best interests of that body. You will have to exercise your own best judgement and you cannot just take instructions from the authority. It is permissible to take account of the authority's wishes, but in any conflict, you must act in the best interests of the outside body. The Council recognises this in appointing or nominating you.
- 2.6 Your responsibilities as a member of an outside body depend on the legal form of that body. The principal forms are statutory corporations, Companies, unincorporated Associations and Charities. It is vital that you understand the nature of the body, your duties to it and potential liabilities, further guidance is found in Appendix 3 – Responsibilities and Liabilities of Companies and Charities.

3. REQUIREMENTS OF THE MEMBERS' CODE OF CONDUCT

- 3.1 Under the provisions of the Localism Act 2011, the Council has adopted a Members' Code of Conduct. Each member of the authority, elected or co-

opted, is required to sign an undertaking to observe the provisions of the Members' Code of Conduct.

- 3.2 The requirements of the Members' Code of Conduct can be summarised as:
- a. a requirement to comply with the "Nolan" principles of standards in public life;
 - b. a requirement to notify the authority's Monitoring Officer of any disclosable pecuniary interests which information will then be included in a public register of interests;
 - c. a requirement that a Member may not participate in a meeting or vote or remain in the room during discussion when they have a disclosable pecuniary interest in a matter being considered.
 - d. a requirement that a Member disclose significant interests (which may include membership of outside bodies) when present at a meeting and, if the interest may give rise to a perception of a conflict of interests in a matter under discussion, to consider whether to withdraw from the meeting.

General Rules of Conduct

- 3.3 The Council's Members' Code of Conduct sets out some general rules of conduct which must be observed by Members. The most important rules, in the context of outside interests are as follows:
- "Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the London Borough of Hammersmith and Fulham area or the good governance of the authority in a proper manner.
 - Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
 - Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account, but restricting access to information when the wider public interest or the law requires it.
 - Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources."

4. REGISTRATION AND DISCLOSURE OF OUTSIDE INTERESTS FOR OFFICERS

Declaration of Interests

- 4.1 Section 117(1) of the Local Government Act 1972 requires that, if it comes to the knowledge of any officer of a local authority, that the authority has entered or proposes to enter into any contract in which they have a pecuniary interest, whether or not they would actually be a party to the contract, they must give notice in writing to the authority. There is a difficulty with this provision as the definition of a pecuniary interest has now been repealed, but it must be taken as any circumstance in which they or a member of their immediate family stand to gain or lose financially as a result of the contract.

Registration of Interests

- 4.2 Most local authorities require officers to declare any interests which they have, both upon appointment and as those interests change, and enter those declarations in a register which is not available to the public but is accessible by other officers who have a "need to know".

5. GIFTS AND HOSPITALITY

- 5.1 Members and officers must never accept any gift or consideration as an inducement for doing or forbearing to do anything in their roles as members or officers of the authority. Indeed, where officers accept any such gift or consideration from anyone who has or is seeking a contract with the authority, the gift or consideration is deemed to have been accepted corruptly unless the officer can prove to the contrary. It is therefore very important to be completely open about any significant gift or hospitality, to avoid the suspicion of misconduct.
- 5.2 Members are required by the Council's Members' Code of Conduct to notify the Monitoring Officer of receipt of any gift or hospitality with a value of more than £50, whatever the motivation for such a gift.
- 5.3 A particular issue arises for officers seconded to work on behalf of outside bodies, as Section 117(2) of the Local Government Act 1972 provides that an officer shall not, under colour of his office or employment, accept any fee or reward whatsoever other than their proper remuneration. It is therefore essential that, where an officer is to be seconded and might be in receipt of any remuneration, bonus or allowances from the authority to which they are to be seconded, that the seconding authority agree that their proper remuneration shall henceforth include any remuneration, bonus or allowances paid to the officer by the body to which they are seconded.

Appendix 1 – Responsibilities of Management Committees or Other Governing Bodies

Main responsibilities of the committee

The main responsibilities of the management committee or other governing body are:

- to maintain a long term overview of the organisation and all its work;
- to make strategic and major decisions about the organisation's objectives, policies and procedures;
- to ensure the needs and interests of relevant people and bodies are taken into account when making decisions;
- to ensure adequate resources (especially people and money) to carry out the organisation's activities;
- to monitor progress towards objectives, and other work;
- to take legal responsibility for the organisation and all its actions (or inaction). If the organisation gets into legal or financial trouble, members of the management committee or other governing body can in many cases be held personally liable.

Legal responsibilities

The legal responsibilities of the management committee or other governing body can be divided into 10 main areas.

Constitutional objects and powers

The management committee or other governing body is responsible for ensuring the organisation carries out its objects (aims or purposes) and operates within its powers according to the constitution, so committee members must know what the objects and powers are and understand what they mean. A good committee will always consult users, managers, staff and volunteers before making major decisions.

If an organisation with charitable status operates outside its objects or powers, the Charity Commission can require the charity trustees personally to pay back to the charity any money used for these activities.

Procedures and Accountability

The management committee or other governing body is responsible for ensuring the organisation carries out its business according to its constitution and good practice. Part of the constitution relates to why the organisation exists and the type of activities it is supposed to carry out; a constitution also defines how the organisation is supposed to conduct its business. It is the committee's responsibility to ensure these rules are followed. Specific responsibilities include:

- serving as a well-informed, interested, supportive committee;

- maintaining democratic procedures and accountability;
- holding meetings regularly, and ensuring members have the information needed to make decisions;
- calling the annual general meeting and ensuring elections and other essential items are dealt with as required,
- ensuring adequate communication between the committee, subgroups, managers, staff, volunteers, and the organisation's users, members, clients, residents or other people served by the organisation.

Legal obligations and undertakings

Statutory obligations exist in law and must be met: for example having to register under the Data Protection Act if the organisation keeps information about recognisable living individuals on computer, or having to give contracts of employment to staff who normally work eight or more hours per week. It is the responsibility of the management committee or other governing body to ensure the organisation meets these obligations.

Legal undertakings are legally binding commitments which the organisation chooses to enter into: for example renting premises, hiring staff, leasing a photocopier or entering into a contract to provide services. It is the responsibility of the committee or other governing body to ensure the organisation can and does meet the terms of any such undertaking.

If the organisation is incorporated as a company limited by guarantee or is registered as an industrial and provident society (IPS) it can enter into legal undertakings in its own name. If it is not a company or an IPS it cannot enter into a legally binding agreement in its own name, so this will have to be done by individuals, usually the organisation's elected officers, acting on behalf of the organisation. Anyone who signs a legal document must be authorised to do so, by a proper decision made by the committee, and must clearly indicate they are signing on behalf of the organisation.

To protect themselves as well as the organisation, members of the management committee or other governing body should be satisfied the organisation is meeting its legal obligations with respect to:

- contracts of employment and employment legislation;
- equal opportunities legislation (Race Relations Act, Sex Discrimination Act, Disabled Persons Acts);
- lease, licence or tenancy agreements;
- Health and Safety at Work Act, Offices, Shops and Railways Premises Act and other health and safety legislation;
- insurance requirements,
- financial record-keeping and information, income tax, national insurance, other taxes, VAT;
- bank accounts, loans, overdrafts;

- fund-raising and grants;
- work done by the organisation under a service agreement or contract;
- the Data Protection Act.

Financial responsibility and accountability

The management committee or other governing body is responsible for ensuring the organisation has enough money to carry out its work, meets its financial obligations when they are due, accounts for all its financial dealings and does not get into financial trouble. This includes not only the payment of bills but also ensuring proper records are kept and the organisation's money is spent in the correct way. This means the management committee or other governing body has ultimate responsibility for:

- wages, tax, national insurance, statutory sick pay and maternity pay, pensions, redundancy pay, and any other pay or benefits due to workers under legislation or the terms of their contracts;
- mortgages, rent, rates;
- insurances; -
- all other bills; -
- ensuring the organisation will have enough money to meet any financial obligations when they come due;
- ensuring all grants or other funds received for specific purposes are spent as specified;
- ensuring the organisation is being paid enough for any services it is providing under a service agreement or contract;
- ensuring the organisation's funds are wisely invested;
- ensuring the organisation keeps accurate and comprehensible financial records, accessible to management committee members and authorised members of staff;
- receiving regular financial reports in a form which committee members can understand;
- ensuring annual accounts are drawn up and audited in accordance with the constitution and, where relevant, funders' requirements and/or legislation. (For details of financial liability see Appendix 2).

Employment and Volunteers

In most voluntary organisations the management committee or other governing body is legally the employer, with responsibility for hiring, supporting and if necessary firing staff.

Even if some aspects of employment are delegated to staff or a personnel subcommittee, the committee as a whole is responsible for ensuring the organisation has appropriate procedures to draw up and regularly update job descriptions; ensure

adequate funding to pay staff; advertise appropriately, shortlist, interview and select staff; issue and abide by contracts of employment; ensure there is appropriate induction, training, supervision, support, and ideally regular reviews; assessment procedure for staff; deal with complaints and grievances; undertake disciplinary and redundancy proceedings.

If some or all of the organisation's work is carried out by volunteers the committee has legal responsibility for them and their work. The committee should ensure they are adequately inducted and supported and there are appropriate disciplinary and grievance procedures.

If a staff member or volunteer acts negligently, for example by giving incorrect advice to a client or not looking after a child properly in a community nursery, members of the governing body could be found negligent if the organisation does not have and enforce proper procedures for recruiting and training staff, setting standards, monitoring work and maintaining a safe environment.

Equal Opportunities

It is the responsibility of the management committee or other governing body to ensure the organisation complies with equal opportunities legislation (Race Relations Act, Sex Discrimination Acts, Equal Pay Act, Disability Discrimination Acts). But good practice goes far beyond the legislation. If the organisation is concerned about equal opportunities (and the Council believes that all voluntary organisations should be) it is the committee's responsibility to ensure the organisation has a clear statement of intent on equal opportunities and a workable code of practice setting out how it will make its statement a reality, and to ensure the code of practice is implemented and monitored.

Premises and equipment

A management committee or other governing body generally has overall responsibility for the use, safety and security of premises used by the organisation and must ensure they are properly and legally managed and used. This includes:

- making decisions about major change of premises use. Day to day decisions about use (for example bookings) might be delegated to staff or volunteers but are still the ultimate responsibility of the committee;
- ensuring adequate finance and insurance;
- setting conditions for bookings, hire of premises, licences and similar requirements;
- developing and implementing a health and safety policy covering all aspects of the organisation's work;
- ensuring the organisation meets public health and fire regulations and precautions;
- ensuring adequate security for premises, equipment and people;
- approving alterations, repairs and renovations;
- ensuring planning and building regulations are met.

Insurance

The management committee or other governing body is responsible for ensuring all insurances are taken out and paid. Some insurances are compulsory:

- employer's liability insurance must be held by any organisation with paid staff, and the certificate of insurance must be prominently displayed at the organisation's office; - public liability insurance covers injury, loss or damage caused to any person (including volunteers and management committee members) as a result of the organisation's negligence;
- if an organisation has vehicles it must have third party insurance, which covers injury or death caused to other people;
- buildings insurance and/or plate glass windows insurance are not required by law but might be required by the terms of a lease or mortgage.

Other insurances are discretionary but organisations funded by London Borough of Hammersmith and Fulham are required to have contents insurance.

Legal status

The management committee or other governing body must ensure the organisation meets its legal obligations if it is a company limited by guarantee, an industrial and provident society, a friendly society and/or a registered charity. Any organisation registered under the Companies Acts, the Friendly Societies Act or the Industrial and Provident Societies Act must meet the requirements of the relevant Act.

Organisations which fail to do so can face heavy fines, as can individual members of the management committee or other governing body. Responsibilities include:

- preparing annual accounts and balance sheets, having them audited and submitting them to the Registrar of Companies or Registrar of Friendly Societies;
- holding the annual general meeting as required by the constitution, electing directors (management committee) and submitting annual returns to the Registrar;
- notifying all changes of director to the Registrar.

In charities the charity trustees (usually the same as the management committee, but not necessarily) have responsibility for:

- preparing annual accounts, having them audited as required and submitting them to the Charity Commission and Inland Revenue;
- filing an annual report and annual return, as specified in regulations under the Charities Act 1993, with the Charity Commission; - ensuring all the organisation's activities fall within the charity's objects and are charitable as defined by law - indicating on all the charity's documents, invoices, cheques and publications that it is a registered charity.

Everything else

Finally, the management committee or other governing body is responsible for any other legal or moral responsibilities which might apply. This could include, for example:

- conditions imposed by funders.
- legislation applicable to certain types of work, such as housing associations, work with children or people considered vulnerable, work with dangerous machinery or equipment, food handling, lotteries or public events.

Appendix 2 – Liabilities of Organisations and Members

Liabilities

Members of the management committee or other governing body are generally legally responsible for what the organisation does only if they have the right to vote on the committee. So co-opted members or representatives of other bodies without voting rights would not usually have any liability for what the organisation does. If an individual who represents another body has voting rights on the committee any legal liability rests with the individual, not the organisation which they are representing.

The legal liability of members of the management committee or other governing body is determined by the legal status of the organisation. This depends on whether the organisation is unincorporated or incorporated.

Unincorporated organisations

An unincorporated organisation does not have a legal identity of its own. In law, it is simply a collection of individuals.

Unincorporated organisations cannot officially enter into contracts or other legal agreements in their own name. If they want to rent property, employ people, borrow money or take legal action, this has to be done (or will legally be assumed to have been done) by individuals acting on behalf of the organisation. If they want to own property, the property will be legally held by individuals (holding trustees) on behalf of the organisation.

Some unincorporated organisations are registered as friendly societies or trusts, but most are unregistered associations. An unregistered association is not accountable to anyone except its own members and funders.

If an unincorporated organisation gets into debt or has other legal problems, the people who have responsibility for the organisation (the management committee, if there is one, or all the members) can be held personally responsible for the difficulties. They have legal liability for whatever mess the organisation gets itself into.

Ways to limit individual liability

There are several ways to reduce the risk to individual members of the management committee or other governing body.

- Members of the governing body must always act sensibly and responsibly in making decisions about the organisation. This means getting proper information from staff or professional advisers, discussing issues fully, and not taking on obligations they know the organisation might not be able to fulfill.
- Individuals who sign legal or financial undertakings should make it clear, in writing, they are signing on behalf of the organisation rather than as individuals. If possible, they should indicate that their liability 'is limited to the extent of the assets of the organisations'.

- If an individual committee member thinks a decision is irresponsible, they can be publicly disassociated from it. If this disassociation is properly minuted, the individual may not be held responsible for any liability arising from the decision.
- The organisation should have all legally required insurances and sufficient other insurance to cover possible claims.
- It is possible to get insurance to indemnify (repay) committee members for any personal liability they incur on behalf of the organisation.
- If the organisation hires several staff, owns premises, or has other long term financial commitments, it should consider incorporation.

Incorporated organisations

An incorporated organisation has an existence of its own, as a legal body separate from its individual members. The organisation can, in its own name, rent or buy property, hire workers, borrow money or take legal action. This is sometimes referred to as having legal personality.

- In a company limited by shares members (shareholders) invest money in the company in order to make a profit. This structure is not appropriate for voluntary organisations but is sometimes used for trading subsidiaries.
- An industrial and provident society (IPS) is a genuine co-operative, or a business or industry 'acting for the benefit of the community'. A community business, housing association or voluntary organisation involved in producing and selling goods or other training activities can become an IPS.
- A company limited by guarantee is an appropriate structure for a voluntary group which exists for a social or political reason and puts any profits back into the group. Most voluntary or community groups which incorporate become companies limited by guarantee.

Extent of individual liability

The members of a company limited by guarantee will guarantee (promise) to pay a small amount, usually £1 or £5, if the organisation gets into financial trouble. Their liability is normally limited to this amount. However, if the company becomes insolvent and is wound up following wrongful trading (where directors knew or ought to have known before the company went into liquidation that there was no reasonable prospect that the company would avoid liquidation) or, fraudulent trading (where the company business was carried on to defraud creditors), directors and other members of the company may be ordered to contribute to the company assets.

Members of the company might be all the current members of the organisation, the founding members, or some or all of the members of the management committee or other governing body. This will be set out in the constitution, which is called the Memorandum and Articles of Association. The memorandum sets out the organisation's objects and what it can do (its powers); the articles set out its rules and procedures.

The liability of company directors (usually the same as the management committee) is limited in the same way. However company directors can lose this protection if it can be shown that they have acted negligently (irresponsibly) or fraudulently (dishonestly). And under the Insolvency Act 1986 company directors can be held personally liable in cases of wrongful trading. This is where a company continues to operate when the directors know, or could reasonably have been expected to know, that it does not have a reasonable hope of being able to meet its financial obligations when they come due.

If the company is also a charity, the company directors will also be charity trustees. As trustees they can be held personally liable (even though the organisation is incorporated) if the charity's funds are used for purposes which are outside its objects or powers.

To a large extent incorporation reduces the risk of members of the management committee (or separate board of directors, if there is one) being held personally liable if the organisation gets into debt or gets into other difficulties. But there is still considerable risk if the committee operates irresponsibly.

All registered charities must have charity trustees (sometimes called managing trustees) who have ultimate responsibility for the organisation. In some charities the trustees delegate some management responsibilities to another body, which might be called a management committee but does not have ultimate responsibility. In this situation the relationship between the two groups must be clearly set out in terms of reference.

Charity trustees cannot 'profit' from the charity. This means they cannot be employed by the organisation, even for part-time or temporary work. Conversely, employees of a charity cannot be trustees and cannot be voting members of the committee if the committee is also the trustee body. (Employees can, of course, attend meetings and participate if the trustees so wish).

Most charities must submit their accounts each year to the Charity Commission and to the Inland Revenue if they want to claim the tax benefits which charities enjoy.

The Charity Commission can advise on any aspect of charity registration or charity law, and should be contacted if there is any doubt about what a charity can and cannot do.

Incorporation of charity trustees

It is possible for a charity to incorporate its trustee body, while not incorporating the organisation as a whole. This enables the organisation to own property and enter into contracts or other legal arrangements in its own name, rather than through individuals acting on behalf of the organisation. This type of incorporation does not, however, limit the personal liability of the trustees in any way. Further information is available from the Charity Commission.

Appendix 3 – Responsibilities and Liabilities of Companies and Charities

Your responsibilities as a member of an outside body depend on the legal form of that body. The principal forms are:

(a) Statutory corporations

These are bodies which are set up under by statute. There is a wide range of such statutory corporations, including school governing bodies, universities, combined Police and Fire Authorities, and many "quangos". The members of the statutory corporation, such as the governors of a school, and how they are appointed is set out in the statute, as are the powers of the statutory corporation. That statute will also set out the responsibilities and liabilities of members of the corporation.

(b) Companies

Companies are separate legal entities which are set up by their members, who may be either shareholders or guarantors. In a company limited by shares, each member's personal liability is limited to the face value of their shares. In a company limited by guarantee, their personal liability is limited to the value of their guarantee, which may be as little as £1. The structure of the company, and its powers, in terms of the activities which it may undertake and its powers to buy and sell land, employ staff or enter contracts are defined in its Memorandum and Articles. Directors of companies can incur personal liability, particularly if the company becomes insolvent. Industrial and Provident Societies (IPSs), are similar to companies, but the member's liability is limited to their annual subscription to the association. This legal structure is popular for housing associations.

(c) Unincorporated Associations

Unincorporated associations are more or less informal organisations, in which the members regulate their relationship by a contract, such as a membership agreement or the rules of the club or association. Because the association has no legal existence separate from its members, there can be no limited liability. Each member incurs full personal liability for their own actions, and relies on the membership contract to be able to recover their costs from the other members.

(d) Charities

Some companies and unincorporated associations are also charities. To be a charity, the body or organisation must satisfy the Charity Commissioners that it is directed to charitable objectives. As a charity, it gains relief from corporation tax, VAT and business rates, but is

subject to stricter regulation by the Charity Commissioners, to ensure that it is properly managed and that it is spending its money properly on the charitable objects.

It is vital that you understand the nature of the body, your duties to it and potential liabilities.

3 COMPANIES

- 3.1 Governance arrangements over companies should be regularly reviewed to ensure they remain appropriate for the size and activities of the companies and the strategic rationale surrounding the creation and function of companies with an appropriate business case.
- 3.2 On incorporation a company becomes a separate legal entity which can hold property in its own right, enter into contracts, employ staff and sue and be sued in its own name. The company is distinct from its members, who may be either shareholders or guarantors.
- 3.3 When entering into complex or large company arrangements, focus on accessing the right financial and legal advice. This should include advice on Companies Act, tax, and group accounting requirements. This advice should be from a suitably qualified party with no interest in or relationship with the deal and include a suitably comprehensive appraisal of all risk factors.
- 3.4 Companies limited by shares are those which have a share capital (e.g. 1000 shares of £1 each). Each Member holds shares and receives a share in the profits made by the company according to the value of the shares held. Shares can be sold, although there may be restrictions requiring the shares to be offered to existing shareholders. In the case of a limited liability company, the liability of members of the company is limited to the amount they paid or agreed to pay when they joined the company, or the amount of their guarantee. This can be as little as £1.
- 3.5 Companies limited by guarantee are those where there is no shareholding. Instead each Member agrees that in the event of the company being wound up they will agree to pay a certain amount. This may also be as little as £1.
- 3.6 There should be explicit shareholder (sometimes called 'Members' Agreements) when setting up a Joint Venture with another party. The Council will have to appoint a nominated shareholder representative with authority to take decisions as shareholder (albeit as directed by the Council). Where these are already in place, consider whether they continue to reflect current circumstances.
- 3.7 Where a company is a trust, it is not permitted to distribute any profit to its shareholders, but must ensure that any such profit is ploughed back into the business. Trust companies are normally limited by guarantee, and this form of company is the most usual form in the public and voluntary sector, particularly where charitable status is sought.

- 3.8 The management of a company is generally the responsibility of a board of directors, elected by the members of the company. The powers of the directors are usually set out in the company's Articles of Association (the rules each company has to govern its internal management). Sometimes even though the company has been incorporated the directors may be referred to as members of the committee of management, governors or even trustees. However this does not change their status as directors. Conversely, sometimes officials are called directors but they are not members of the board. Again their status will not be affected. Directors are those who are appointed by the company to act in the capacity.
- 3.9 Internal and external directors for LBHF companies must attend training to understand commercial awareness, roles and responsibilities and update this regularly. Directors should be able to interrogate management accounts and the assumptions upon which the cashflow and any profit is founded and also scrutinise and hold a company to account.

4 Directors' Duties

A director is an agent of the company. Their prime duties are as follows:

- (1) A fiduciary duty to the company (not to individual shareholders) to act honestly and in good faith and in the best interests of the company as a whole. Directors are therefore in the position of "quasi trustees" who must take proper care of the assets of the company. The fiduciary duty of the director towards the company is very similar to the fiduciary duty of Councillors to the Council Tax payers of the London Borough of Hammersmith and Fulham.
- (2) A general duty of care and skill to the company. So long as the company remains solvent, a director requires no greater skill than might reasonably be expected of someone of that individual's particular knowledge and experience. A director is not deemed to be an expert, but is expected to use due diligence and to obtain expert advice if necessary. However if the company becomes insolvent, the Court may expect that the director brings an appropriate level of skill, competence and experience to the job.
- (3) Consider whether the focus of reporting on the work and activities of companies is appropriate and realistic for example, is there an appropriate separation of the strategic oversight from operational service delivery reporting?
- (4) Like a Councillor in respect of Council decisions, the director is under a duty to exercise independent judgement, though it is permissible for them to take account of the interests of a third party which they represent. In such a case the director must disclose that position and tread a fine line between the interests of the company and the party represented (in this case the authority). The director cannot vote simply in accordance with the authority's instructions. To do so would be a breach of duty.

- (5) Conflicts of Interest. There may be actual or potential conflicts between the interests of the company and those of the authority. The Councillor or Officer owes an independent duty to the company in their capacity as director and, where there is a conflict, they have to act in the interests of the company first. The Councillor or officer cannot waive their statutory responsibilities as a director.
- (6) Directors are not allowed to make a private profit from their position. They must therefore disclose any interests they or their family may have in relation to the company's contracts. Whether they are then allowed to vote will depend on the Articles of Association. Equally, officers are not allowed under cover of their office to take any more than their proper remuneration. They must obtain the consent of their employing authority if they are to receive any remuneration from a company to which they have been appointed by their employing authority.
- (7) Directors must ensure compliance with the Companies Acts in relation to the keeping of accounts, and that the relevant returns are made to the Registrar of Companies. Directors of charities have similar responsibilities to ensure compliance with charities law. Failure to do so may incur fines and persistent default can lead to disqualification as a director.

4.1 **Directors' Liabilities**

- (1) The company's identity must clearly be shown on its stationery. The company number, place of registration, registered office address and if any of the directors' names are shown then they must all appear. Non-compliance is an offence and the directors and company officers can be fined.
- (2) A company can only act within the scope set out in its Memorandum of Association (the document which sets out the objects of the company). A director who knowingly causes the company to act beyond the activities set out in the Memorandum can be liable personally. In very limited circumstances it is possible for the actions of the directors to be ratified by the members of the company after the event.
- (3) A director may also be liable for breach of trust, if they misapply the money or property of the company. Directors may also be liable if they fail to take action to prevent the breach of a co-director of which they are aware.
- (4) In the event of failure to act in accordance with the best interests of the company, or if a director uses their powers improperly or makes personal profit from their position as director, then the director may be personally liable for loss to the company and may be required to give the company the personal profit made.
- (5) If the level of skill and care shown by a director falls below that which

could be reasonably expected and the company suffers loss, the director will be liable for the loss incurred. However if it believes the director acted honestly and reasonably, a Court may excuse the director liability.

- (6) If a company continues to trade despite the fact that the directors know or ought to know that there is no reasonable prospect of the company meeting its liabilities, this is "wrongful trading". Where a director participates in wrongful trading, a Court may require that director to meet any creditor's additional losses resulting from the failure of the company to cease trading as soon as it knew that it could not remain solvent. No such order will be made if the Court is satisfied that the director took all reasonable steps to minimise the loss to the creditors. If a director has concerns about the company's financial position they could be well advised to inform the other directors and seek advice from the company auditors.
- (7) A director will also be liable if to their knowledge the company carries on business with intent to defraud creditors or any other person, or for any other fraudulent purpose. Fraudulent trading can also lead to disqualification from acting as a director.
- (8) All cheques
- (9) and similar documents which purport to be signed on behalf of the company must bear the company name. Where they do not, the director signing on behalf of the company may be liable to a fine and may also be liable to the payee if the company fails to honour the cheque. It is therefore wise for directors to make sure that all documents they sign on behalf of the company state very clearly that they act as agent for the company, (e.g. Director, for and on behalf of...)
- (10) A third party who enters into a contract on the assumption that a director has power to bind the company, may be liable to claim damages against the director if it subsequently transpires that the director had no such power. Directors would be well advised to ensure that contracts are approved by the board and that the authority to enter into any contract has been properly delegated before signing it.
- (11) Though company liability ceases on dissolution the liability of the directors (if any) may still be enforced after dissolution.

4.2 Indemnities

- (1) Councillors who are directors cannot be indemnified by the company against liability arising out of negligence, default, or breach of duty or trust. However the company's Articles of Association may allow for directors to be indemnified by the company in respect of the cost of

defending such proceedings if the director is granted relief by the Court or acquitted. It is lawful for companies to purchase insurance to protect its directors against claims of negligence, breach of duty, trust, default etc. Directors would be well advised to ensure that such a policy of insurance is maintained at all times.

5 Local Authorities (Companies) Order 1995

- (1) This Order, made under the Secretary of State's powers contained in Part Five of the Local Government and Housing Act 1989, sets out rules concerning local authorities' involvement in "regulated companies" which are subject to extensive controls, and their involvement in other companies where a number of rules apply.
- (2) "Regulated companies" are so defined if they are controlled or influenced by the local authority. "Influenced companies", under the effective control of the local authority, will be subject to the capital finance regime and special property controls. In broad terms, the test as to whether companies are local authority influenced is whether the local authority has the right to or in fact does exercise a dominant influence over the company in question.
- (3) The original concept of controlled influenced and minority interests in companies were introduced by the 1989 Act. "Influenced" means at least 20% local authority interest plus a business relationship with the company accounting for over 50% of the company's turnover and/or the company was located on local authority land leased or sold for less than best consideration. "Controlled" means over 50% local authority interests, and "minority" less than 20% interest. The concept in the 1989 Act stands, but the Order introduces the term "regulated".
- (4) A local authority influenced or controlled company must state this on all business documents.
- (5) Councillors or officers who are directors of outside companies to which they have been nominated by the Council are under the following obligations:-
 - (a) (Councillors only) that the remuneration they receive from the company should not exceed that received from a local authority and should be declared.
 - (b) to give information to Councillors about their activities required by the local authority (save for confidential information) and
 - (c) to cease to be a director immediately upon disqualification of being a Councillor or termination of their employment by the Council.

You will be notified by officers if you are appointed to a regulated local

authority company.

MANAGEMENT COMMITTEES

5.1 Unincorporated Associations

Groups which are not charitable trusts or companies are "unincorporated associations" and have no separate legal identity from their members. The rules governing the members' duties and liability will be set out in a constitution which is simply an agreement between the members as to how the organisation will operate. Usually the constitution will provide for a management committee to be responsible for the everyday running of the organisation. An unincorporated organisation may be charitable and may register as a charity.

5.2 Property will have to be held by individuals as the association has no legal existence of its own.

5.3 Duties

Broadly, management committee members must act within the constitution, and must take reasonable care in exercising their powers.

5.4 Liabilities

- (1) Generally, the management committee members are liable for the acts of the organisation, but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there are not enough funds, the committee members are personally liable for the shortfall.
- (2) If one person is appointed by the constitution to act as the agent of the organisation for certain purposes, then that person acts as the agent for all the members, who have joint liability for the agent's actions.
- (3) Members of the committee of management will have personal liability if they act outside the authority given to them or if they do not comply with statute e.g. the payment of employees' tax etc.

5.5 Indemnities

Members will be entitled to an indemnity if they act in accordance with the constitution and are not at fault. It is possible to obtain insurance but if the organisation is to pay the premium it must be permitted by the constitution.

4. CHARITIES

- 4.1 To be a charity an organisation must operate for a charitable purpose. There are four such charitable purposes:
- the relief of poverty and human suffering
 - the advancement of education

- the advancement of religion
- another purpose for the benefit of the community.

It must operate for the public benefit and have exclusively charitable purposes. An organisation which operates for political purposes will not qualify for charitable status.

4.2 To register as a charity the organisation must submit its completed constitution (usually Certificate of Incorporation and the Memorandum and Articles of Association of a company limited by guarantee) to the Charity Commissioners for approval. If they are satisfied that the organisation is charitable it will be registered as such.

4.3 Those who are responsible for the control and administration of a charity are referred to as its trustees, even where the organisation is a company limited by guarantee even though they are not strictly trustees. Trustees of a charity retain personal liability, and can only delegate to the extent that the constitution authorises them so to do.

4.4 **Trustees' Duties**

- (1) Trustees must take care to act in accordance with the constitution and to protect the charity's assets. They are also responsible for compliance with the Charities Acts, and should note the particular requirements of the Acts in respect of land transactions.
- (2) Trustees must not make a private profit from their position. They cannot receive remuneration without the sanction of the Charity Commission. They must also perform their duty with the standard of care which an ordinary, prudent business person would show. Higher standards are required of professionals, and in relation to investment matters.
- (3) Charitable trustees must ensure that the information relating to the charity and trustees is registered with the Charity Commissioners and that annual accounts, reports and returns are completed and sent.
- (4) If charitable income exceeds £10,000, the letters, adverts, cheques etc must bear a statement that the organisation is a registered charity.
- (5) Trustees are under a duty to ensure compliance with all relevant legislation (e.g. in relation to tax and land matters).

4.5 **Trustees' Personal Liability**

- (1) Generally a trustee incurs personal liability if they:
 - acts outside the scope of the trust deed
 - falls below the required standard of care
 - acts otherwise than in the best interests of the charity, in a way which causes loss to the charity fund

- makes a personal profit from the trust assets

In such circumstances the trustee will incur personal liability for losses incurred.

- (2) If in doubt, always consult the Charity Commissioners. A trustee who does so can avoid personal liability for breach of trust if they act in accordance with the advice given.
- (3) Trustees of a trust can be liable personally to third parties unless the trust is also a company, and therefore has a separate legal identity from the trustees. The constitution will normally provide for trustees to be given an indemnity from the trust assets, provided they act properly in incurring the liability. Trustees remain personally liable for their own acts and defaults once they have retired. If they have entered into any ongoing contracts on behalf of the trust they should seek an indemnity from their successors. If the charity is a company, the trustees will be protected from liabilities incurred in the day-to-day running of the charity in the normal course, but will be personally liable if they commit a breach of trust (see (1) above).
- (4) Trustees may be liable to fines if they do not comply with the duty make returns etc.

4.6 Indemnities

An indemnity can be given from the trust fund provided the trustees have acted properly and within their powers. Trustees may take out insurance to protect themselves against personal liability but not for criminal acts, fraud etc. There will be no problem if the trustees themselves pay the premiums but if they are paid out of the charitable funds the trustees will need the consent of the Charity Commissioners first, unless the trust deed allows it.

Information Security Policy Statement

Background, Objectives and Scope

Information in all forms is an essential business asset which must be protected. The Council¹⁴ believes that it is crucial to achieve the right balance between making information more widely available to the public whilst ensuring that adequate protection is in place.

This Policy demonstrates the Council's commitment to ensuring the Confidentiality, Integrity, Availability and compliance of our information assets. Effective Information Security Management enables the secure sharing of information and the continued provision of high quality services to the Public, the maintenance of legal and other compliance requirements, and the overall reduction of business risk.

This Policy applies to all officers, contractors and elected members (“users”) who use any of the Councils’ information and systems or those held by third-parties and partners on our behalf. It is supported by detailed security policies and guidelines which are considered an integral part of this Policy.

Key Responsibilities

The Chief Executive of the Council together with the Senior Leadership team are responsible for mandating Information Security and approving this Policy.

The Information Management Board is responsible for keeping the Chief Executive and Senior Leadership Team updated with the Council’s compliance status and incident reports.

Managers are responsible for applying the Policy and the related good working practices in their business area; ensuring their staff have been trained and comply with the requirements; and monitoring their third-parties and partners.

Users are responsible for ensuring they understand and adhere to the security requirements, and complete the required training and awareness tasks within the given timescale.

The Information Management Team is responsible for the management of Information Security on behalf of the Council; maintaining this Policy, providing advice and guidance on its implementation and investigating security breaches.

Policy Statement

It is the policy of the Council that:

¹⁴ Original version approved by 3 councils (Hammersmith & Fulham, Royal Borough of Kensington & Chelsea, Westminster City Council) in 2016, version 1.2 updated in 2022 to reflect sovereign H&F contact details and names of teams/roles ahead of next major H&F policy update.

- All information is appropriately handled, with extra care taken when sensitive;
- Risks to the confidentiality, integrity, availability and compliance of information assets are identified, evaluated, corrected and reviewed regularly;
- All relevant business, contractual, regulatory and legislative requirements are met; but that any exception is fully evaluated, documented and approved by the Information Management Board.
- An information security training awareness and competency programme is delivered to all users at a level appropriate to their need and business area;
- Business continuity plans are produced, maintained and tested regularly;
- All actual or suspected breaches of information security are reported, investigated and corrected in a timely manner.

Exceptions

An exception or deviation to this policy may be granted if it conflicts with business need. Exceptions must be supported by a written business case and a valid risk assessment signed-off by the senior information asset owner.

Exceptions will be reported to the Information Management Board on a quarterly basis and signed off by the Head of Information Management (on behalf of the Senior Information Risk Owners (SIROs)).

Monitoring and Breach of Policy

All user activity is lawfully logged for the purposes of monitoring compliance with the Council's policies, responding to incidents and preventing, detecting or investigating crime.

Appropriate disciplinary action will be taken against users who are found breaching these requirements, including but not limited to dismissal, civil or criminal proceedings and fines.

Communication and Review

This Policy will be communicated to all users when they join the Council and annually thereafter.

It will be reviewed annually or earlier if a major change is necessary.

Document version: v1.2

Local Code of Corporate Governance

Introduction

Governance is about how local government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities.

The Corporate Governance framework consists of seven core principles and the following sets out the actions taken by the London Borough of Hammersmith & Fulham in relation to each principle of corporate governance.

Principle 1

Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

The London Borough of Hammersmith & Fulham:

- Ensures that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect.
- Ensures that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols.
- Puts in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and puts in place appropriate processes to ensure that they continue to operate in practice.
- Develops and maintains shared values including leadership values both for the organisation and for staff reflecting public expectations, and communicates these with members, staff, the community and partners.
- Puts in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards and monitors their continuing effectiveness in practice.
- Develops and maintains an effective Standards Committee to deal with Member Code of Conduct issues.
- Uses the organisation's values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority. In pursuing the vision of a partnership, agrees a set of values against which decision making and actions can be judged. Such values will be demonstrated by partners' behaviour both individually and collectively.

Principle 2

Ensuring openness and comprehensive stakeholder engagement.

The London Borough of Hammersmith & Fulham:

- Makes clear to itself, all staff and the community to whom it is accountable and for what.
- Considers those institutional stakeholders to whom the authority is accountable and assesses the effectiveness of the relationships and any changes required.
- Produces an annual report on the activity of the scrutiny function.
- Ensures clear channels of communication are in place with all sections of the community and other stakeholders and puts in place monitoring arrangements and ensure that they operate effectively.
- Holds meetings in public unless there are good reasons for confidentiality.
- Ensures that arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements will recognise that different sections of the community have different priorities and will establish explicit processes for dealing with these competing demands.
- Establishes a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users about including a feedback mechanism for those consultees to demonstrate what has changed as a result.
- On an annual basis, publishes a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period.
- Ensures that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.
- Develops and maintains a clear policy on how staff and their representatives are consulted and involved in decision making.

Principle 3

Defining outcomes in terms of sustainable economic, social and environmental benefits.

The London Borough of Hammersmith & Fulham:

- Develops and promotes the authority's purpose and vision.
- Reviews on a regular basis the authority's vision for the local area and its implications for the authority's governance arrangements.

- Ensures that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners.
- Publishes an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance.
- Decides how the quality of service for users is to be measured and makes sure that the information needed to review service quality effectively and regularly is available.
- Puts in place effective arrangements to identify and deal with failure in service delivery.
- Decides how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively.
- Considers the environmental and social impact of policies, plans and decisions.

Principle 4

Determining the interventions necessary to optimise the achievement of the intended outcomes.

The London Borough of Hammersmith & Fulham:

- Sets out a clear statement of the respective roles and responsibilities of the executive and of the executive's members individually and the authority's approach towards putting this into practice.
- Sets out a clear statement of the respective roles and responsibilities of other authority members, members generally and of senior officers.
- Determines a scheme of delegation and reserve powers within the constitution, including a formal schedule of those matters specifically reserved for the collective decision of the authority, taking account of relevant legislation, and ensure that it is monitored and updated when required.
- Makes the Chief Executive responsible and accountable to the authority for all aspects of operational management.
- Develop protocols to ensure that the leader and chief executive negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained.
- Makes a senior officer (the S.151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.
- Makes a senior officer responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.

- Develops protocols to ensure effective communication between members and officers in their respective roles.
- Sets out the terms and conditions for the remuneration of members and officers and an effective structure for managing the process, including an effective independent remuneration panel for members' allowances.
- Ensures that effective mechanisms exist to monitor service delivery.
- Ensures that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated.
- When working in partnership, ensures that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority.
- When working in partnership, ensures that there is clarity about the legal status of the partnership; ensures that representatives of organisations both understand and make clear to all other parties the extent of their authority to bind their organisation to partner decisions.

Principle 5

Developing the entity's capacity, including the capability of its leadership and the individuals within it.

The London Borough of Hammersmith & Fulham:

- Provides induction programmes tailored to individual needs and opportunities for members and officers to update their knowledge on a regular basis.
- Ensures that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the authority.
- Assesses the skills required by members and officers and make a commitment to develop those skills to enable roles to be carried out effectively.
- Develops skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed.
- Ensures that effective arrangements are put in place for reviewing the development needs of individual members and provides a personal development plan to address them.
- Ensures that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority.
- Ensures that career structures are in place for members and officers to encourage participation and development.

Principle 6

Managing risks and performance through robust internal control and strong public financial management.

The London Borough of Hammersmith & Fulham:

- Develops and maintains an effective scrutiny function which encourages constructive challenge and enhances the authority's performance overall and that of any organisation for which it is responsible.
- Develops and maintains open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based.
- Puts in place arrangements to safeguard members and employees against conflicts of interest and puts in place appropriate processes to ensure that they continue to operate in practice.
- Develops and maintains an effective Audit Committee and Standards Committee which are independent of the executive and scrutiny functions.
- Ensures that effective, transparent and accessible arrangements are in place for dealing with complaints.
- Ensures that those making decisions whether for the authority or the partnership are provided with information that is founded on good quality data and fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications.
- Ensures that proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately.
- Ensures that risk management is embedded into the culture of the authority, with members and managers at all levels recognising that risk management is part of their job.
- Ensures that effective arrangements for whistle blowing are in place to which officers, staff and all those contracting with or appointed by the authority have access.
- Actively recognises the limits of lawful activity placed on the authority by, for example, the ultra vires doctrine but also strives to utilise its powers to the full benefit of the community.
- Recognises the limits of lawful action and observes both the specific requirements of legislation and the general responsibilities placed on the authority by public law.
- Observes all specific legislative requirements placed upon the authority, as well as the requirements of general law, and in particular to integrate the key

principles of good administrative law – rationality, legality and natural justice – into its procedures and decision-making processes.

Principle 7

Implementing good practices in transparency, reporting and audit, to deliver effective accountability.

The London Borough of Hammersmith & Fulham:

- Implements good practice in transparency. Reports for public consumption are written in a fair, balanced and understandable style with the use of Plain English and are appropriate to the intended audience ensuring they are accessible and easy to interrogate.
- Ensures that there is a balance between providing the right amount of information to satisfy transparency demands to enhance public scrutiny of the Council's activities.
- Implements good practice in all reporting, including reporting annually on performance, value for money and stewardship of resources in a timely and understandable way, including ownership of the results reported.
- Ensuring robust arrangements exist including good governance demonstrated by the publication of an Annual Governance Statement with an action plan for any improvements in governance.
- Ensuring information that accompanies financial statements is prepared on a consistent and timely basis.
- Promoting accountability through assurance, including ensuring recommendations for corrective action made by Internal and External Audit and regulatory bodies are acted upon.

Gaining assurance on risks associated with the delivery of services and through third parties at the same time ensuring there is an effective internal audit service with direct access to members in place. Welcoming peer challenge, reviews and inspections from regulatory bodies.

LOCAL CODE OF CORPORATE GOVERNANCE PRINCIPLES

1. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
2. Ensuring openness and comprehensive stakeholder engagement.
3. Defining outcomes in terms of sustainable economic, social and environmental benefits.
4. Determining the interventions necessary to optimise the achievement of the intended outcomes.
5. Developing the capacity and capability of members and officers to be effective.
6. Managing risks and performance through robust internal control and strong public financial management.
7. Implementing good practices in transparency, reporting and audit, to deliver effective accountability.

A. Key Documents: Regular / Annual Review or Production

- Medium Term Financial Strategy
- Strategic Leadership Team Collective Key Tasks
- Service Delivery Plans
- Statement of Accounts
- Internal / External Audit Protocol
- Key performance indicators
- Service Improvements and Programmes
- Finances (statistics)
- Messages (consultation)
- Risk Registers & Assurances
- Borough E-Communications
- External Audit Report to those charged with Governance
- External Audit and Inspection Letter
- Budget Monitoring Reports
- Annual Reports on Scrutiny, Standards, and Internal Audit
- Annual Governance Statement

B. Key Documents: Ad hoc Review or Production

- Constitution including Standing Orders
- Communications Strategy
- Consultation Strategy
- Equal Opportunities Policy
- Scheme of Delegation
- Financial Procedure Rules
- Procurement Policy and Strategy
- Procurement Contract Standing Orders
- Freedom of Information Publication Scheme

- Workforce Strategy
- Health, Safety, Welfare and employment policies
- Environmental Strategy
- Data Quality Framework
- Data Security Policy
- IS/IT Strategy
- Protocol - Member/Officer Relations
- Members Code of Conduct
- Officers' Code of Conduct
- Whistleblowing Policy
- Partnership Working Guidelines
- Risk Management Policy Statement
- Published Agendas, Reports & Minutes of Committees

C. Contributory Processes / Regulatory Monitoring

- Audit Committee, Pension Fund Committee, Standards Committee
- [Policy and Oversight Board and](#) Policy and Accountability Committees
- Residents' Commissions
- Independent Remuneration Panel for Members Allowances
- Service Management Teams
- Monitoring Officer role
- S.151 officer role
- Head of Paid Service responsibilities
- Customer Complaints / Feedback Process
- Finance Board
- Community Safety Programme Board
- Residents consultation
- Job Descriptions and Person Specifications
- Job Evaluation Process
- Employee Induction and Employee Surveys
- Learning and Development Programme -Employees/Members
- Employee Personal Development Framework
- Personal Development Plans
- Criminal Conviction Checks
- Inspectorate Reports
- Health and Safety Officers
- Website Publications
- Internal Audit and Counter Fraud Plans
- Fraud Awareness Training
- External Audit
- Gift and Hospitality Registers for Employees and Members
- Members Register of Interests
- Annual Review of Internal Audit, Risk Management and Governance Arrangements
- London Borough of Hammersmith & Fulham Service Reviews

PART 6 – MEMBERS’ ALLOWANCES SCHEME

Members’ Allowances Scheme 2024-25

Effective from 1 April 2024

This scheme is made in accordance with the Local Authorities (Members’ Allowances) (England) Regulations 2003 (“the Regulations”) for 2024/2025 and subsequent years. The allowances scheme has been prepared having regard to the report of the Independent Panel on the Remuneration of Councillors in London established by London Councils on behalf of all London Councils, co-authored by Mike Cooke (Chair), Sir Rodney Brooke CBE DL and Anne Watts CBE and published in January 2022.

1. Basic Allowance

- 1.1 The Independent Remunerator’s report suggests a flat-rate basic allowance be paid to each member of the authority of £15,960 per annum to be paid in 12 monthly instalments on the 15th of each month.
- 1.2 The Council has considered the independent remunerator’s recommendation but has decided to set lower levels of allowances than those recommended.
- 1.3 It proposes to increase basic allowance in line with the average basic allowance paid across London for the previous year. The basic rate allowance for all Hammersmith & Fulham Councillors will therefore be £11,520 - to be paid in 12 monthly instalments on the 15th of each month.

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

	No.	Basic Allowance	Total
All Councillors	50	£11,520	£576,000

2. Special Responsibility Allowances

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

Position	No	SRA Entitlement	Total SRA
The Leader	1	£41,000	£41,000
Deputy Leader	1	£34,160	£34,160
Other Cabinet members	8	£27,329	£218,632
Chief Whip (where not a member of Cabinet)	1	£27,329	£27,329
Chair, Policy and Oversight Board	1	£27,329	£27,329
Deputy Chief Whip (2)*	1	£7,088	£7,088
Chair of Policy & Accountability Committee	6	£7,088	£42,528
Leader of the Opposition	1	£20,492	£20,492
Deputy Leader of the Opposition	1	£7,088	£7,088
Opposition Whip	1	£7,088	£7,088
Chair of Planning and Development Control Committee, Audit Committee*, Pension Fund Committee, Licensing Committee* (4)	4	£8,860	£35,440
Vice-Chair of Planning and Development Control Committee*	1	£7,088	£7,088
The Mayor	1	£20,492	£20,492
Deputy Mayor	1	£7,088	£7,088
Lead Members **	8	£3,439	£27,512
Total	37		£530,354

*Portfolio holders who hold two SRA positions will only receive one SRA in respect of duties undertaken.

** There are thirteen positions. However, eight portfolio holders will receive only one SRA in respect of duties undertaken.

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

3. Other Allowances

Dependent Carer Allowance

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

- a) £6.58 per half hour before 10pm; £7.00 per half hour after 10pm (not payable in respect of a member of the Councillor’s household).

Travel and Subsistence

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

Public Transport

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

Car mileage

- b) 45 pence per mile.

Subsistence

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

Sickness, maternity, neonatal care, and paternity allowance

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

4. Annual increase

- 4.1 The updated allowances in this scheme apply from 1 April 2024. Any future allowance uplift will be set at the average basic allowance paid across London for the previous year.

5. Election to forego allowances

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

6. Time limit for claims

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

7. Membership of more than one authority

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

8. Non-entitlement to more than one SRA

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

9. Pensions

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

10. Allowances for co-opted members and independent members of The Pensions Sub Committee

Co-optees

- 10.1 Co-opted members shall be paid £642.01 per annum by equal monthly instalments of £53.50 on the 15th of each month.
- 10.2 Co-opted members shall be entitled to the same travel and dependent carer allowances as Councillors but shall not be entitled to subsistence payments.

Independent Members

- 10.3 The London Borough of Hammersmith & Fulham shall pay an allowance to the appointed Independent Members at a flat rate allowance of £642.01 per annum payable by equal monthly instalments of £53.50 on the 15th of each month.

PART 7 – MANAGEMENT STRUCTURE

Management Structure

Chief Executive and Head of Paid Service

Sharon Lea

Executive Director of People

Jacqui McShannon

Executive Director of Place

Bram Kainth

Executive Director of Finance & Corporate Services (Section 151 Officer)

Sukvinder Kalsi

Director of Legal Services (Monitoring Officer)

Grant Deg

Appendix 2 – Summary of Constitution Changes

List of Constitution Changes

The changes detailed below are in comparison to the latest published version of the Constitution dated 11 July 2024.

Colour key:

- **Added or amended**
- **Moved**
- **Deleted**

Changes to the numbering as a result of deletions, moves, or additions are not listed.

Changes are shown in order, but please note that the numbering will appear out of order at times. To allow the reader to compare the latest published version with the new version, deletions are noted with the July numbering, while additions and amendments have the up-to-date numbering that takes previous changes into account.

Part 1 – Summary and Explanation

The Council's Constitution

- Citizen's Rights – from para 13, **deleted** all after "...set out in more detail in Article 3." **Moved** paras 14 and 15 moved to Article 3.

Article 1

- **Deleted** paras 1.2 and 1.3

Article 2

- Para 2.3, **deleted** all after "...every four years, from 2002."
- **Moved** 'Councillors' Terms of Office' section from Part 4 – Rules of Procedure, Council Procedure Rules to para 2.3. Deleted points (d) and (h)
- **Moved** 'Councillors' point (a) from Part 4 – Rules of Procedure, Council Procedure Rules to end of para 2.3
- Para 2.5 – **Deleted** first sentence
- Para 2.6 – **Moved** para 23.9 from Part 4 – Rules of Procedure, Access to Information Procedure Rules between first and second paragraph

Article 3

- Part 4 – Rules of Procedure, Access to Information Procedure Rules, public inspection of background papers section (8.2, 8.3, 8.4) have been rewritten and **moved** to be para 3.4
- Part 4 – Rules of Procedure, Exclusion of Access by the Public to Meetings section **moved** to be para 3.5

Article 4

- 4.1 – **Deleted** the paragraph following the bullet points under 4.1 Policy Framework
- 4.4 (c) – **Deleted** "subject to... in Part 4 of this constitution,"
- **Amended** 4.4 (i)

Appendix 2 – Summary of Constitution Changes

Article 5

- **Amended** title to “The Mayor and Charing Council Meetings”
- **Added** ‘5.1 The Mayor’ sub-heading
- **Deleted** second half of opening paragraph, from “, and will be elected...”
- **Moved** section ‘5. Mayor’ from Part 4 – Rules of Procedure, Council Procedure Rules to 5.1. **Added** section ‘5.2 Deputy Mayor’ using points (g) and (h) from section 5
- **Amended** first bullet point under ‘Chairing the Council Meeting’ and **added** bullets 3 and 4

Article 6

- **Deleted** ‘6.2 Terms of Reference’
- 6.4 after “...these Committees will:”, (a) – **added** “(Leader, Cabinet Member or Council officer)” to end
- 6.4 after “...these Committees will:”, (c), (e), and (f) – **Deleted**
- 6.4 after “...these Committees may:”, (a) to (e) – **Deleted**
- 6.5 (b) – **Amended** in light of new health scrutiny guidance.
- 6.5 – **Deleted** first para following (e) regarding task group reports and recommendations
- 6.8 – **Moved** section ‘18. Policy and Accountability Committees’ Powers in Relation to the Executive’ from Part 4 – Rules of Procedure, Access to Information Procedure Rules to 6.8
- 6.9 – **Moved** section ‘22. Policy and Accountability Committees’ Access to Documents’ from Part 4 – Rules of Procedure, Access to Information Procedure Rules to 6.9

Article 11

- 11.3 – **Deleted** second and last bullet
- **Deleted** 11.7 to 11.9

Article 12

- 12.3 (b) – **Deleted** the following from the paragraph after point (ii), “or, in the case of a business case for generating income to the Council through sale of services to non-residents where the value is less than £1,000,000.”

Article 15

- **Deleted** 15.3

Part 3 – Responsibility for Functions

Executive Members – Responsibilities and Portfolios

- Leader of the Council – **deleted** 2.7, 2.8, and 2.11
- Cabinet Member for Climate Change and Ecology and Cabinet Member for Public Realm – **added** flood mitigation
- Lead Member for Flood mitigation – **deleted**

Committee Terms of Reference

Appendix 2 – Summary of Constitution Changes

- Appointments Panel, Panel C – **Amended** Quorum text (replaced ‘where’ with ‘when’).
- Health PAC – **Added** second bullet point under principle functions to cover new health scrutiny guidance.

Scheme of Delegation to Officers

- **Deleted** 2.3.
- **Deleted** 3.5 to 3.7.
- Minor **amendments** to 4.5 and 4.6.

General functions delegated to the Chief Executive and Chief Officers

- **Deleted** 1.1.
- **Amended** 1.2 (for clarity).
- **Amended** 4.8 (job title).
- **Deleted** 9.2 and 9.3.

Responsibilities of the Chief Executive and Chief Officers

- **Deleted** entire section except Moved Undetermined Functions and Detailed Registers of Authorities sections.
- **Moved** Undetermined Functions and Detailed Registers of Authorities sections to General functions delegated to the Chief Executive and Chief Officers.

Part 4 – Rules of Procedure

Council Procedure Rules

- **Deleted** end of 1.1
- **Amended** 1.2 (a)
- **Amended** 1.4
- **Deleted** 1.4 (i)
- **Amended** 2.1
- **Deleted** 3 (d)
- **Amended** 3 (c) and (d) – Created new (d) from end of (c)
- **Deleted** 4 (a) (1) end of line
- **Amended** 4 (a) (2)
- **Deleted** 4 (b) to (d)
- **Deleted** 5 to 8
- **Deleted** 10.2
- **Amended** 8 (c)
- **Deleted** 12 (e) second sentence
- **Amended** 10 (b), (f) and (l)
- **Deleted** 14 (d)
- **Added** 10 (l)
- **Added** 11 (c)
- **Deleted** 15 (f) to (n)
- **Amended** 13 (e)
- **Deleted** first sentence of 17 (f)
- **Amended** 14.6

Appendix 2 – Summary of Constitution Changes

- Amended 15.2
- Deleted 19.3 and 20
- Moved 22 (i) to (l) to 17 (g) to (j)
- Added 17 (k)
- Added heading – 18. Recording and Filing at Meetings
- Amended 23 (b)

Petitions Scheme

- Deleted 1.1 and 1.2
- Deleted heading 2. Principles
- Amended 1.2
- Deleted 2.2
- Deleted 5.3 to 6.4
- Deleted part of 7.1
- Deleted section 8
- Deleted 9 b.
- Amended 6.5
- Deleted Call an Officer to evidence row from table at 9.9
- Deleted part of 10.1
- Deleted 10.2
- Deleted heading 11. What will the Council do if the petition is not directly related to services provided by it?
- Amended 7.1
- Deleted 11.2 to 12.4

Access to Information Procedure Rules

- Deleted sections 1 to 7
- Moved 8.4 to Article 3 – background papers
- Moved section 10 to Article 3 – exclusion of access / exempt info
- Deleted sections 11, 12, and 13 – Exclusion of access by the public to reports, application of rules to the executive, and procedure before taking key decisions
- Deleted 14.2 (b) – re notice setting out reasons for why a private meeting is urgent
- Deleted section 15 – access to agenda and reports before the meeting
- Moved section 18 to Article 6 - PACs
- Deleted sections 20 and 21 – Record of decisions by individual members, Inspection of documents relating to exec decisions
- Moved section 22 to Article 6 – PACs
- Deleted section 23 – Additional rights of access for members

Budget and Policy Framework Procedure Rules

- Deleted 2.4 to 2.11
- Deleted 3.2
- Deleted sections 4 to 6 – Grant to review

Overview and Scrutiny Procedure Rules

- Deleted 8.5 – removed redundant task group guidance

Appendix 2 – Summary of Constitution Changes

- Deleted 28.2 and 28.3 – removed guillotine provisions that aren't relevant to scrutiny meetings

Appendix A – Councillor Call for Action

- Deleted Deputation Request Form – an amended version of this will still be on our website

Officer Employment Procedure Rules

- Deleted section 4
- Deleted part of 5.1

Statutory Officers Code of Conduct

- Deleted entire section

Member / Officer Protocol – Grant to review this

- Deleted first two sentences of 1.1
- Amended 1.2
- Deleted 1.3 to 1.5
- Deleted explanatory note at end of code regarding the meaning of Chief Officers

Annex – Code of practice for the production of press releases

- Deleted a duplicate of this annex that followed the Local Protocol for the Opposition Leadership

Local Protocol for the Mayor and the Civic Role

- Deleted heading 1. Civic Arrangements

Planning and Licensing Code for Councillors and Officers

- Amended title from “Planning and Licensing Guidance...” to “Planning and Licensing Code...”
- Deleted heading 1. Background
- Amended 1.1, combined it with and amended 1.3 and renumbered it to 1.
- Deleted 1.2
- Amended 2.2
- Amended 3.1
- Deleted section 4
- Deleted explanatory note under heading 6
- Amended 5.2
- Deleted 6.3, 6.5 and 6.6
- Amended 5.4 and 5.5
- Deleted 6.9 and 6.10
- Deleted explanatory note under heading 8. Predetermination
- Added text to 7.3 – re members standing down from applications where they have business relationships
- Amended 8.1
- Amended 9.1
- Amended 10.2
- Added 10.3 and 10.4

Appendix 2 – Summary of Constitution Changes

- Deleted text: “Officers will be able to assist in formulating technically correct reasons for refusal or additional planning conditions based on Members’ clearly expressed views...”
- Added section 15. Appeals

Public Speaking at Planning and Development Control Committee

- Deleted entire section – this will remain on website but is being deleted from the constitution

Planning Committee – Disclosure of Confidential Information Protocol

- Deleted entire section – to check with Grant

Local Code of Corporate Governance Principles

- Added Policy and Oversight Board under C. Contributory Processes / Regulatory Monitoring

Report to: Full Council

Date: 22/01/2025

Subject: Council Calendar of Meetings 2025/26

Report of: Councillor Stephen Cowan – The Leader of the Council

Report author: David Abbott, Head of Governance

Responsible Director: Grant Deg, Director for Legal Services and Monitoring Officer

SUMMARY

This report requests Full Council’s approval of the 2025/26 calendar of meetings.

RECOMMENDATIONS

1. That Full Council approves the 2025/26 Council calendar of meetings at Appendix 1.
-

Wards Affected: None

Our Values	Summary of how this report aligns to the H&F Corporate Plan and the H&F Values
Doing things with local residents, not to them	Public meetings allow residents to exercise their local democratic rights. Residents can also contribute to scrutiny of the Council and policy development through Policy and Accountability meetings.

Financial Impact

The recommendations in this report have no direct financial implications.

Alex Pygram, Head of Finance, Corporate Services – 26th November 2024

Legal Implications

The Council may hold its meetings at such hour, on such days and at such a place as the Council may determine. Approval of the schedule of meetings allows the Council to continue to carry out its business lawfully.

Glen Egan, Assistant Director of Legal – 28/11/2024

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

Proposals and Analysis of Options

1. This report requests approval of the 2025/26 Council calendar of meetings detailed in Appendix 1.

Reasons for Decision

2. The Council has the power to agree the date of its meetings. The Council agrees its calendar of meetings annually.

Equality Implications

3. There are no anticipated negative implications for groups with protected characteristics, under the Equality Act 2010, by the approval of the amendments recommended in this report. Officers have considered the equalities impact of this decision to be neutral.

LIST OF APPENDICES

Appendix 1 – Council Calendar 2025/26

H&F Council Calendar of Meetings - 2025/26

	MAY		JUNE		JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER		JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE		
Monday			2						1				3	CEPAC	1	Audit			2	CEPAC	HASCPAC	2						1	
Tuesday			3	Licensing	1	CCE PAC			2				4	CCE PAC	2	WSCT			3	EASPR PAC	H&H PAC	3						2	Licensing
Wednesday			4	Pensions Board	2	CG			3			1		5	H&H PAC	3	HWBB		4	POB		4	Pensions Board	1	School Holidays			3	Pensions Board
Thursday	1		5		3				4			2		6					5			5		2				4	
Friday	2		6		4		1		5			3		7					6			6		3	Good Friday	1			5
Monday	5	Bank Holiday	9	Audit	7	LG	4		8		6		10	Cabinet	8	Cabinet		5		9	Cabinet	9	Cabinet	6	Easter Monday	4	Bank Holiday	8	Audit
Tuesday	6	POB	10	Planning	8		5		9	PFC	7	Conservative Party Conference	11	Planning	9	Planning		6		10	Planning	10	Planning	7		5		9	Planning
Wednesday	7		11		9	Full Council	6		10	HWBB	8		12		10			7		11		11		8	School Holidays	6		10	
Thursday	8		12		10		7		11		9		13		11			8		12		12		9		7	Local Elections	11	
Friday	9		13		11		8		12		10		14		12			9		13		13		10		8		12	
Monday	12	Cabinet	16	Cabinet	14	Cabinet	11		15	Cabinet	13	Cabinet	17	HASC PAC	15			12		16		16	Audit	13	Cabinet	11		15	Cabinet
Tuesday	13		17	SICS PAC	15	Planning	12		16	Planning	14	Planning	18	SICS PAC	16			13		17		17	WSCT	14	Planning	12		16	SICS PAC
Wednesday	14	CG	18	WSCT	16		13		17	POB	15	CG	19	EASPR PAC	17			14		18	School Holidays	18	HWBB	15	CEPAC	13	CG	17	WSCT
Thursday	15		19		17		14		18		16		20		18			15		19		19		16		14		18	
Friday	16		20		18		15	School Holidays	19		17		21		19			16		20		20		17		15		19	
Monday	19	LG	23	HWBB	21	EASPR PAC	18		22	Audit	20	LG	24	POB	22			19	Cabinet	23	LG	23		20	H&H PAC	18	LG	22	HWBB
Tuesday	20		24	HASC PAC	22	H&H PAC	19		23		21		25	PFC	23	School Holidays		20	Planning	24		24	PFC	21	CEPAC	19		23	HASC PAC
Wednesday	21	Annual Council	25	PFC	23		20		24	WSCT	22	Full Council	26		24			21	CG	25	Budget Council	25		22	HASC PAC	20	Annual Council	24	PFC
Thursday	22		26		24		21		25		23		27		25	Christmas Day		22		26		26		23		21		25	
Friday	23		27		25		22		26		24		28		26	Boxing Day		23		27		27		24		22		26	
Monday	26	Bank Holiday	30	CEPAC	28	School Holidays	25		29	Labour Party Conference	27				29			26	LG			30	School holidays	27	SICS PAC	25	Bank Holiday	29	CEPAC
Tuesday	27				29		26		30		28				30			27	SICS PAC	CCE PAC		31		28	EASPR PAC	26		30	
Wednesday	28	School Holidays			30		27				29	School Holidays			31			28		Full Council				29	POB	27	School Holidays		
Thursday	29				31		28				30							29						30		28			
Friday	30						29				31							30								29			

Committee names and abbreviations

Cabinet	Cabinet
Planning	Planning and Development Control Committee
Full Council	Full Council
HWBB	Health and Wellbeing Board
Audit	Audit Committee
WSCT	Wormwood Scrubs Charitable Trust Committee
PFC	Pension Fund Committee
Pensions Board	Pensions Board
Licensing	Licensing Committee / Annual Licensing Committee
POB	Policy and Oversight Board
CEPAC	Children and Education Policy and Accountability Committee
HASC PAC	Health and Adult Social Care Policy and Accountability Committee
SICS PAC	Social Inclusion and Community Safety Policy and Accountability Committee
CCE PAC	Climate Change and Ecology Policy and Accountability Committee
EASPR PAC	The Economy, The Arts, Sports and the Public Realm Policy and Accountability Committee
H&H PAC	Housing and Homelessness Policy and Accountability Committee

Cultural and religious dates

2025	
Shavuot	02-Jun
Eid al-Adha	07-Jun
Rosh Hashana	23-Sep
Yom Kippur	02-Oct
Diwali	21-Oct
Christmas Day	25-Dec
2026	
Purim	03-Mar
Passover	02-Apr (last day of passover - 9 April)
Good Friday	03-Apr
Easter Monday	06-Apr

Agenda Item 6.8

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Full Council

Date: 22/01/2025

Subject: Review of the Statement of Gambling Policy

Report of: Councillor Andrew Jones, Cabinet Member for the Economy

Report author: Adrian Overton, Licensing Team Manager

Responsible Director: Bram Kainth, Executive Director – Place

SUMMARY

The Gambling Act 2005 requires every Council to have a 'Statement of Gambling Policy' which will include information stipulated within the Gambling Commission's statutory Guidance to Licensing Authorities in England and Wales. The Council's 'Statement of Gambling Policy' must undergo a thorough review and public consultation every three years.

It is now time for the London Borough of Hammersmith and Fulham to review its Statement of Gambling Policy (SGP) and undergo a public consultation exercise so that the latest version can be agreed and published at the end of January 2025. This report outlines the changes made to the revised policy and the timetable for consultation.

RECOMMENDATIONS

1. To note that Appendix 8 is not for publication on the basis that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings as set out in paragraph 5 of Schedule 12A of the Local Government Act 1972 (as amended).
2. That the Council carefully considers and notes the responses to the consultation attached at Appendices 4 and 5.
3. That the Council approve the revised Statement of Gambling Policy 2025 – 2028 (Appendix 9) and associated Local Area Profile (Appendix 2).
4. That the Council agrees **to retain** an existing no casino resolution within the Council's Statement of Gambling Policy although this can be withdrawn at any time.
5. To amend Section 6.9 of the proposed policy in line with the consultation responses.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	<i>A robust Statement of Gambling Policy will help to create a level playing field for operators in the gambling industry and transparency and clarity about guiding principles.</i>
Creating a compassionate council	<i>The Statement of Gambling Policy makes specific reference to those who may be vulnerable such as children or those with a gambling addiction and seeks to reinforce certain safeguards to help protect and prevent them from harm.</i>
Doing things with local residents, not to them	<i>The public statutory consultation will be open to residents to provide their views, which can be taken into account in any revised final policy statement.</i>
Being ruthlessly financially efficient	<i>Fees and charges are reviewed annually and where possible set to recover the costs of application administration and management of licensed gambling premises.</i>
Taking pride in H&F	<i>The Licensing Authority's Statement of Gambling Policy helps to consistently manage gambling premises and to uphold the licensing objective related to preventing gambling being associated, supporting or being a source of crime.</i>
Rising to the challenge of the climate and ecological emergency	<i>The consultation will mainly be carried out electronically to minimise the use of paper, when compared to using a postal process.</i>

Financial Impact

1. There are no significant financial implications resulting from the recommended changes to the Council's Statement of Gambling Policy. The cost of the consultation was minimal and has been contained within the existing revenue budget for the Licensing Service.

Kellie Gooch, Head of Finance (Place), 5 November 2024. Verified by James Newman, Assistant Director – Finance (Deputy s151), 6 November 2024.

Legal Implications

2. The requirement for every Council to have a 'Statement of Gambling Policy' is set out in the Gambling Act 2005 ("the Act"). The Statement of Gambling Policy 2022-2025 forms the Council's framework policy which will help to ensure that licensing decisions comply with legislation and are made fairly and consistently.
3. Under S.349 of the Act the Council's 'Statement of Gambling Policy' must undergo a review and public consultation every three years. The Council's current Statement of Gambling Policy was agreed by the Council in January 2022 as produced, following extensive consultation with licensees, businesses, residents, community groups and partner enforcing agencies. It expires in January 2025 therefore a revised policy has been prepared and has undergone a full consultation process.
4. S.349(3) of the Act requires the Council to consult with the following on their policy statement or any subsequent revision:
 - the chief officer of police for the Borough.
 - one or more persons who appear to Council to represent the interests of persons carrying on gambling businesses in the Borough.
 - one or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise.
5. The Gambling Commission in the formal Guidance to Licensing Authorities, issued under Section 25 of the Act, (as revised in April 2021 and updated in April 2023) provides that the statement of gambling policy should be used to set out the local issues, priorities and risks that inform and underpin its approach and to agree and set out how gambling is to be managed in different parts of the local authority area to deal with local concerns and issues. The updated Guidance provides that the legal duty placed by the Act on both the Commission and licensing authorities is to 'aim to permit' gambling in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives.
6. The Guidance provides that the policy statement is the primary vehicle for setting out the licensing authority's approach to regulation having taken into account local circumstances. It ensures that operators have sufficient awareness and understanding of the relevant licensing authority's requirements and approach, including its' view on local risks, to help them comply with local gambling regulation. It recommends that it is a matter for licensing authorities to develop their own consultation practices, including the methods for consultation and who they consider it necessary to consult with, which might include consultation with relevant local groups, business and responsible authorities.
7. Under this guidance the Council is required to publish consultation responses usually within 12 weeks of the consultation closing. If a response is not published within 12 weeks, the Council should provide a brief statement on why they have not done so. Consultation documents could be provided on Council's website. The Council has followed and complied with the consultation process.
8. Under S.166 (3) of the Act a no casino resolution must be reviewed every three years from the date when it took effect. The body of the report confirms that it is the Council's intention to keep this resolution in the Statement of Gambling Policy 2022-2025.

9. Section 349 of the Act provides the Council must publish a statement of principles which it proposes to apply when exercising its functions under the Act. The Statement of Gambling Policy 2025-2028 (“SGP”) has been prepared taking into account the revised Guidance issued by the Gambling Commission, the Act and associated regulations.
10. The Licensing Authority has taken Counsel’s advice on the proposed changes and the advice is contained in an exempt appendix.
11. The Council is satisfied that by virtue of Section 153(1) Part 8 of the Act it is lawful for the Council to introduce a recommendation into its revised SGP that the terminal hour for Adult Gaming Centres (AGC’s) should ordinarily be limited to 22:00 and that the Council would require a robust risk assessment from the licence holder should they wish to operate after that time. Furthermore, that any licence holder wishing to operate beyond that time would be expected to agree to employ more than one member of staff after 22:00. The Council have suggested this recommendation to address the problems with crime linked to lone working in such venues, it is noted that it has been supported by the Metropolitan Police in their consultation response. Therefore, the recommendation satisfies the promotion of the Licensing Objectives, specifically preventing gambling from being a source of crime and disorder. It was also pointed out that the latest Guidance to Licensing Authorities issued by the Gambling Commission (last updated 13 May 2021) states clearly that there are no default conditions specific to AGCs.
12. Pursuant to the power contained in section 166 of the Act a Licensing Authority may resolve not to issue casino premises licenses. Section 166(2) of the Act states that in passing a resolution under subsection (1) the Licensing Authority may have regard to any principle or matter. Such a resolution must specify the date on which it takes effect, may be revoked by a further resolution and shall lapse at the end of the period of three years beginning with the date on which takes effect, without prejudice to the ability to pass a new resolution. It is noted that six of the seven consultees supported the retention of the no-casino resolution and the Metropolitan Police stated that they would be supportive of the resolution if the Council saw fit.
13. Should the Council adopt the ‘no casino’ resolution for a further three year period pursuant to the power contained in section 166 of the Act, this decision is one that ultimately calls for a political rather than a strictly legal judgment. The decision must be rational and reasoned, but there must be a balancing exercise applying weight to the different interests which have been identified at paragraph 12 of Key information about re-adopting a ‘No Casino’ resolution” and this decision is the one that must be undertaken by the Full Council.
14. The Council received a number of technical challenges to the draft policy during the consultation process and the summary of changes made to the current 2022- 2025 Statement of Gambling Policy are contained in Appendix 6.

Verified by: Mrinalini Rajaratnam, Chief Solicitor (Planning and Property), 10 December 2024

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

Proposals and Analysis of Options

Background and Introduction

15. The Council's Statement of Gambling Policy provides advice and guidance to local authorities when exercising their functions under the Gambling Act 2005. It also provides guidance to applicants and objectors.
16. The final draft revised Statement of Gambling Policy 2025 – 2028, at Appendix 9, is the Council's seventh SGP and must be adopted by Full Council. It must then be published at least 28 days before it comes into effect.

The Review Process

17. In reviewing the statement of gambling policy, we have considered the following:
 - The promotion of the three licensing objectives;
 - The guidance issued under Section 25 of the Gambling Act 2005;
 - The current 2022 Statement of Gambling Policy;
 - Legal advice on the introduction of cumulative impact areas and gambling vulnerability zones;
 - The views of the Gambling Commission including 2023 Review of the Gambling Act 2005 by the Commission;
 - Local crime prevention measures; and
 - The Equality Act 2010
18. Gambling is an activity that involves the circulation of large sums of money and if not properly controlled is susceptible to fraud, money laundering and other criminal activity and malpractice. It is recognised that the small minority of gamblers who have problems in controlling their gambling can cause damage to themselves and those near them and a significant proportion of problem gamblers commit illegal acts to enable them to pursue their gambling. The Budd report, that introduced the Gambling Commission recommended that casinos should be tightly regulated and the proliferation of a multitude of small casinos should be avoided.
19. The 2023 Review by the Gambling Commission recommends that the Government considers similar provisions to that introduced by the Licensing Act 2003 for alcohol licensing. It noted that a number of licensing authorities submitted that they would benefit from greater powers to take account of the risks posed to the licensing objectives, and to public health, by the density and cumulative impact of gambling venues in a locality. The Commission was of the view that community impact areas ("CIA") could be implemented in such a manner that would avoid undermining the 'aim to permit' principle of the Act.

20. While including CIAs in the legislation would give local authorities greater power, as statements are subordinate in nature, local policy statements can be used to take into account factors such as public health and crime. The White Paper notes CIAs complement existing powers, *“Whilst existing powers, particularly local policy statements, do allow licensing authorities to take into account factors such as public health and crime, we recognise that licensing authorities would benefit from the introduction of CIAs, in part because they are familiar with them from alcohol licensing, and in part because it explicitly allows them to consider the cumulative impact of gambling premises in a particular area.”*
21. The White paper encourages licensing authorities to make full use of their existing powers. It states *“We recommend that licensing authorities update their policy statements using a wide range of data and analysis, including making use of spatial tools and public health data to identify vulnerable areas and to state their position on additional gambling premises in these areas. We also recommend that licensing authorities make more use of their powers to attach conditions to premises licences, such as opening hours and security measures”*.
22. The Gambling Act 2005 provides licensing authorities with the ability to manage local risks and make decisions using local knowledge. In its policy statement a licensing authority can identify and address gambling-related harms in its area and publish specific objectives for a locality.
23. The main changes to the statement of gambling policy include a revised and expanded Local Area Profile which has highlighted clustering of gambling premises and areas which have concerns with a number of factors including vulnerability, deprivation and crime/ disorder amongst others. The evidence contained in this document has led to a proposal to introduce cumulative impact areas and gambling vulnerability zones to try and curb the harmful effects of gambling premises in the borough. There have also been further changes to restrict the terminal hour for Adult Gaming Centres, and a continuation of the borough’s ‘no casino’ resolution. More detailed information on all of these proposals is included in section 21 - 29 of this report.

Issues for Consideration

24. The Licensing Authority can only consider matters within the scope of the Gambling Act, Guidance and associated Codes of Practice and cannot become involved in the moral issues relating to gambling.
25. The Local Area Profile, which essentially acts as an evidence base for the policy, has been extensively updated as part of this review and will ultimately form part of the policy at Annex 3. For ease of reference the full Local Area Profile has also been included separately at Appendix 2 of this report. Whilst there is no mandatory requirement to have a Local Area Profile, there are a number of benefits:
 - a) it enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it;
 - b) greater clarity for operators as to the relevant factors in licensing authority decision making will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application;

- c) it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
 - d) it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.
- The newly revised Local Area Profile includes information on the following factors:
 1. Deprivation – high deprivation areas have been assessed using information in relation to income, employment, education, health and crime / disorder amongst others.
 2. Vulnerability – areas of high vulnerability have been calculated using information in relation to housing, crime, employment, and children and families.
 3. The location and density of all gambling premises in the borough.
 4. All crime and ASB within the borough.
 5. Drugs and alcohol – information on residents attending A&E for an alcohol or drug related condition.
 6. Location of children’s centres and health services.
 7. Location of primary schools.
23. The new profile introduces three Cumulative Impact Areas where a clustering of gambling premises has been identified in the Shepherd’s Bush, Hammersmith and Fulham (North End Road) areas.
 24. Five new gambling vulnerability areas have also been created in the top 40% of the most vulnerable areas of the borough. The revised policy makes it clear that there is a policy presumption to refuse any new applications for Betting Shops, Adult Gaming Centres or Bingo premises in a Cumulative Impact Area or a Gambling Vulnerability Zone.
 25. A proposal has also been made to reduce the terminal hour for Adult Gaming Centres to 10pm (previously 11pm). Any premises wishing to operate after this time would be asked to provide a robust risk assessment and also commit to employing more than one member of staff after 10pm. This proposal has been suggested to try and combat an issue with crime linked to lone working in these types of venues.
 26. Some employees are exposed to high-risk situations daily e.g. crime, violence and mental health issues. Environmental Health Officers have previously investigated incidents which have occurred before 10pm where only one member of staff was on duty. In most cases, affected employees have suffered physical injuries and/or post-traumatic stress disorder, which has the potential to have knock on effects.
 27. A requirement to employ door supervisors at any premises where alcohol is sold, or which operates beyond 11pm, has been strengthened by reducing the time to 10pm.
 28. It has been suggested that the borough’s ‘no casino’ is maintained, but that the wording is altered slightly to make it clear that this decision will be reviewed every three years, and that it can be withdrawn at any time.

29. Other changes have been made to reflect the latest version of the Gambling Commission’s Guidance document and the Commission’s Codes of Practice. We have simplified some of the wording to make it clearer, removed some specific references to extracts from the Guidance, updated dates and links to various websites and updated contact details.

Licensing objectives

30. Consideration must be given to the three licensing objectives below as well as the needs of businesses within the borough.
- a) Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
 - b) Ensuring that gambling is conducted in a fair and open way; and
 - c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Consultation Process

31. The Gambling Act requires the licensing authority to consult on its Statement of Gambling Policy with the Police; those who represent the interests of gambling businesses in their area; and those which represent interested persons likely to be affected (Section 349 (3)).
32. To fulfil the requirement of the Act, a five week consultation began on the 21 October 2024 and closed on the 24 November 2024. Any business which operates a gambling premises in the borough was contacted on the day the consultation went live with an invitation to make comments. The online consultation was also promoted weekly through the Council’s E-news alert.
33. The online consultation page included a copy of the current policy, a new draft amended policy, a copy of the draft Local Area Profile, and a survey with questions highlighting the key changes to the proposed policy. Appendix 3 contains the consultation questions for the draft policy.
34. All responses received have been collated and analysed and the draft Gambling Policy has been revised where it is considered appropriate to do so.
35. The timetable for adoption is detailed in the table below:

Activity	Date(s)
Public 5-week consultation	21 October 2024 – 24 November 2024
Public 5-week consultation ends	24 November 2024
Political Cabinet meeting	16 December 2024
Full Council	22 January 2025

Planned timetable for the review and adoption of the SGP

Summary of Consultation Responses

36. 8 questions formed part of the public consultation which ran from the 21 October 2024 to the 24 November 2025.
37. 14 survey responses were received in the in the consultation period. An analysis of these responses is included at Appendix 5.
38. 7 separate responses were also received from the following solicitors / individuals representing the gambling industry:
- Gosschalks - The Betting and Gaming Council
 - Wood Whur - Entain Group (Ladbrokes and Coral)
 - Poppleston Allen - The Bingo Association
 - Poppleston Allen - Mekur Slots
 - The Gambling Business Group
 - Head of Licensing and Development - William Hill
 - Novamatic UK – Luxury Leisure and Talarius Ltd
39. All of the parties mentioned above have explained in their responses that they believe the current proposal to refuse any AGC, Bingo or Betting Shop premises within a Cumulative Impact Area or Gambling Vulnerability Zone is unlawful.
40. These respondents have explained that Section 153 of the Gambling Act 2005, as currently worded, sets out an 'aim to permit' principle, which point 6.9 of our proposed policy would be contrary to. For ease of reference section 6.9 is currently drafted as follows:
- *6.9 Within Gambling Vulnerability Zones and the three Cumulative Impact Areas, there is a policy presumption to refuse any new gambling applications for AGC, Betting Shops or Bingo premises.*
41. We have received separate external legal advice on all of the written responses made during the consultation period, which is included in full at Appendix 8.
42. Two of the seven written responses also raised concerns with a proposal to reduce the terminal hour for AGC and Bingo premises to 22:00 (from 23:00) For ease of reference section 6.15 is currently worded as follows:
- *6.15 The licensing authority expects opening hours for premises to be specified only in applications where hours are not already specified by the default conditions. The licensing authority also suggests that that the terminal hour for AGC and Bingo premises should be limited to 22:00. Any such premises wishing to operate after this time would need to provide a robust risk assessment and also commit to employing more than one member of staff after 22:00.*
43. The Police also made comments on the gambling consultation which is included at Appendix 6 of this report. They are supportive of the proposal to introduce Gambling Vulnerability Zones / Cumulative impact areas in the borough. They are also in favour of the suggestion to reduce the terminal hour for Adult Gaming Centres, explaining

that there is a concern with the association of these premises with ASB and crime in the Shepherd's Bush and North End Road areas in particular.

Reasons for Decision

44. The Council must approve and adopt a statement of gambling policy every 3 years. It is suggested that the changes outlined in the draft policy at Appendix 1, and further clarified in Appendix 6 are incorporated into a newly revised policy.
45. It is clear from the Local Area Profile (attached at Appendix 2) that the vast majority of gambling premises in the borough (particularly AGC, Betting Shops and Bingo Premises) are located in areas with the highest vulnerability index rating. It is also evident that many of these premises are located in areas of high deprivation.
46. Hot spots for crime and disorder are also at their highest in borough where gambling premises are located. Our revised Local Area Profile makes the following comment on this issue: 'Most gambling premises are in areas of higher crime and ASB'.
47. Whilst we acknowledge the comments made on behalf of gambling operators during the consultation period, we have weighed these concerns against the welfare of some of the most vulnerable communities in the borough, where many of the current gambling premises are located.
48. We are also mindful that during the consultation period 57% of respondents were in agreement with our proposal to refuse any new licences for adult gaming centres, betting shops or bingo premises in gambling vulnerability zones. Additionally, 43% of respondents thought that the proposed policy did not go far enough to promote the protection of children and vulnerable people gambling objective.
49. Whilst the proposed policy is more restrictive, and will obviously have an impact on any new gambling operators looking to open in the borough, it should be also be noted that a policy presumption to refuse any new gambling licences, will not affect the existing operators.
50. Given the consultation responses a decision has been made to amend section 6.9 of the draft proposed policy as follows:

Consultation Version:

6.9 Within Gambling Vulnerability Zones and the three Cumulative Impact Areas, there is a policy presumption to refuse any new gambling applications for AGC, Betting Shops or Bingo premises.

Revised Version:

*6.9 Within Gambling Vulnerability Zones and the three Cumulative Impact Areas there is a policy presumption to refuse any new gambling applications for AGC, Betting Shops or Bingo premises, **except in exceptional circumstances.***

51. Given that most respondents were in favour of retaining the Council's no casino resolution, a decision has also been made to leave the existing wording of the policy unaltered.

Equality Implications

52. The Council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in s149 of the Equality Act 2010. The policy has low relevance in relation to its impact on the protected characteristics as it applies to all licensed businesses. A section has been included in the draft revised Statement of Gambling Policy to reflect the Authority's commitment to equality and diversity.

Risk Management Implications

53. The Council is required, under the Gambling Act 2005, to have a Statement of Gambling Policy, which is produced in line with the legislation and the Gambling Commission's guidance to licensing authorities. The policy has to be reviewed every three years and subject to a 12 week consultation process, where the outcome of the consultation is reported along with the policy being proposed for adoption.
54. A number of consultees who operate in this sector within the borough have stated in their responses that they believe the Council's policy presumption to refuse AGC, Bingo or Betting Shop premises within a Cumulative Impact Area or Gambling Vulnerability Zone to be unlawful. Two respondents also raised concerns about the proposal to reduce the terminal hour for AGC and Bingo premises by one hour.
55. The report considers the concerns raised by gambling operators in their responses with the welfare of some of the most vulnerable communities in the borough, where many of the current gambling premises are located.
56. External legal advice has been sought and provided, which officers have taken into account in preparing this report. The report considers both the requirements and obligations of the legislation and guidance on the Council and the scope, within the guidance, to take account of local circumstances which consider the impact of the policy on residents.
57. In considering and agreeing the proposed policy, including the continuation of the "no casino" resolution, Members will need to consider the rationale set out in the report, the legal implications set out above, the external legal advice received and the impact on residents of the policy in making their decision.

Implications completed by: David Hughes, Director of Audit, Fraud, Risk and Insurance, 12 December 2024

Climate and Ecological Emergency Implications

58. The majority of changes to the current gambling policy are technical in nature and there are no significant foreseen climate implications. There are potential positive climate implications for an earlier 11pm closure of AGC premises, which could mean more gambling premises closing earlier in the evening rather than operating 24 hours, which would reduce operational emissions from energy use on the premises.
59. The impact of removing the Council's no casino resolution is that a new Casino could be attracted to the borough. The impact of this on operational emissions from heating, cooling and powering the building depends on the business it replaces: the impact will

be lower if the casino is replacing an existing business on the site that would have been consuming energy anyway; but emissions could increase if this leads to longer operating hours, and if the energy demand of the casino is higher than the existing business.

60. If a new build casino or substantial renovation is proposed this would contribute to significant additional embodied emissions from construction. Planning policy requires the reduction of operational emissions to the extent required by the London Plan, but does not regulate embodied emissions from construction.

Verified by Laura Humphreys, Circular Economy Lead

LIST OF APPENDICES:

Appendix 1	Draft revised Statement of Gambling Policy 2025 – 2028 (including changes)
Appendix 2	Draft revised Local Area Profile
Appendix 3	Consultation questions for the draft revised Statement of Gambling Policy 2025 – 2028
Appendix 4	Written consultation responses
Appendix 5	Consultation survey responses and statistics
Appendix 6	Summary of proposed changes to the current 2022 Statement of Gambling Policy
Appendix 7	Police consultation response
Exempt Appendix 8	Legal advice including external advice from Counsel
Appendix 9	Final draft revised Statement of Gambling Policy 2025 – 2028

STATEMENT OF GAMBLING POLICY

JANUARY 2025 – JANUARY 2028

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

This revised Statement of Gambling Policy will take effect from the ~~4 January 2022~~. 22 January 2025

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

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

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

All references to specific paragraphs in the Gambling Commission Guidance relate to the 6th edition published in April 2021 (updated in April 2023). A copy of this version is available on the Council's website. Further editions of the Guidance may be published throughout the duration of this Statement of Gambling Policy.

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1 Introduction

1.1 ~~The Act introduced a unified regulator for gambling in Great Britain—the Gambling Commission—and a new licensing system for commercial gambling to be managed by the Commission or by local authorities, depending on the matter that needs to be licensed. The only exceptions are spread betting (regulated by the Financial Services Authority), remote gambling and the National Lottery (regulated by the Gambling Commission). We, the Licensing Authority, and the Gambling Commission, will share responsibility for all matters previously regulated by the Magistrates’ Court.—Under section 349 of the Gambling Act 2005 (the Act) the Council must publish a statement of principles which it proposes to apply when exercising its functions under the Act. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.~~

1.2 The Gambling Commission is responsible for granting operating and personal licences for commercial operators and personnel in the industry. ~~Under the Gambling Act 2005, our responsibilities include the following:~~

- a) casino premises;
- b) bingo premises;
- c) betting premises, including tracks and premises used by betting intermediaries;
- d) adult gaming centre (AGC) premises (for category B3, B4, C and D gaming machines);
- e) family entertainment centre (FEC) premises (for category C and D machines) – we may also issue a FEC gaming machine permit, which authorises the use of category D machines only;
- f) gaming machine permits;
- g) prize gaming permits;
- h) club gaming and club machine permits;
- i) unlicensed family entertainment centre permits;
- j) travelling fairs;
- k) temporary use notices;
- l) occasional use notices;
- m) small society lottery registrations.

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

~~We will also issue provisional statements, occasional and temporary use notices and permits for:-~~

- ~~• gaming machines in alcohol-licensed premises, such as pubs;~~
- ~~• gaming machines for members’ clubs;~~
- ~~• gaming in members’ clubs; and~~

~~**family entertainment centres not licensed to sell alcohol (category D machines only, that is, those that have the lowest level of stakes and prizes)**~~ **Licensing Objectives**

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

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

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

- 1.4 Under section 153 of the Act, when making decisions about premises licences and temporary use notices, we should allow the premises to be used for gambling if we think it is (amongst other things):
- in line with any relevant code of practice and guidance issued by the Gambling Commission; and
 - in line with the principles set out in this policy and consistent with the licensing objectives.

Section 153 of the Act in full provides as follows:

153 Principles to be applied

- (1) In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it—
 - (a) in accordance with any relevant code of practice under section 24,
 - (b) in accordance with any relevant guidance issued by the Commission under section 25,
 - (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
 - (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).
- (2) In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.
- (3) This section is subject to section 166

Licensing Authority Functions

1.5 Under the Act, we must be responsible for licensing premises where gambling activities are to take place by:

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

2 The Borough

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

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

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

2.5 When producing this statement, we have considered:

- local crime prevention;
- the licensing policy;
- our planning, transport, tourism and cultural strategies;
- complaints received
- night-time economy and the industrial strategy
- housing strategy
- our equal opportunities policy; and
- our public health duties and the pandemic.

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

- The Police
- Trade Associations
- Residents' Associations
- Businesses via Council and Town Centre contacts
- Fire Authority
- Ward councillors
- Neighbouring authorities
- Trading Standards
- Environmental Health
- Chamber of Commerce
- Director of Public Health
- Planning Authority
- Safeguarding Adults Board
- Community Safety Partnership
- Other relevant people who could be affected by this policy

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

2.8 There are a range of [statutory application forms and notices](#) that licensing authorities are required to use as part of our gambling licensing responsibilities. A summary list of these can be found in [here](#).

3 General principles

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

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

Multiple licences and separation of different premises

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

3.5 If more than one application is received for premises licences in a single building, we will make a decision on whether the proposed premises are genuinely separate to the extent that they merit their own licence and are not an artificially created part of what is readily identifiable as a single and separate unit. A decision

of this nature will be taken by the licensing sub-committee.

When determining whether two or more proposed premises are separate, we will take a number of factors into account. Depending on the specific circumstances of the case these may include:

- Do the premises have different postal addresses?
- Is a separate registration for business rates in place at the premises?
- Are the neighbouring premises owned by the same person or not?
- Can each set of premises be accessed by different entrances from the street or a public passageway?
- Can the premises be accessed only from another gambling premises?
- How are the premises separated? Are any partitions fixed, of full height and transparent in any part?

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

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

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

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

~~• the third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice this means not only preventing them from taking part in gambling, but also prevents them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.~~

~~• the third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling~~

~~• entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit~~

~~• customers should be able to participate in the activity named on the premises licence.~~

3.7 The Gambling Commission's Guidance states at paragraph 7.59 that premises licence applications may be made in the following circumstances, ~~"in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two-stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to~~

~~consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place. As the Court has held in a 2008 case (The Queen (on the application of) Betting Shop Services Limited –v- Southend-on-Sea Borough Council [2008] EWHC 105 (Admin)), operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place”~~

Paragraph 7.60 states, “It may be sufficient to simply issue the licence with a future effective date, as is possible under the Regulations (SI 2007/459: The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 ...”

Plans

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

The Regulations state that plans shall contain the following information:

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

- 3.9 In line with the Gambling Commission’s guidance for local authorities, we will pay particular attention to protecting children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder. This would include incidents, or suspected incidents, of modern slavery or child sexual exploitation. We welcomed the [ABB Code for Responsible Gambling and Player Protection](#), and recommend [Gamcare certification](#) to gambling operators in this borough. We expect all operators of gambling premises to fully comply with the [Gambling Commission’s Licence Conditions and Codes of Practice \(LCCP\)](#).

- 3.10 When determining premises licence applications and when inspecting premises we will consider the [Gambling Commission’s codes of practice provisions](#). The codes specify a number of requirements related to social responsibility issues, for example, protection of the young and vulnerable, in relation to access for children into Gambling premises, their policies and procedures designed to prevent underage gambling, and how they monitor the effectiveness of these.

Planning Considerations

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

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

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

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

The Licensing Authority is aware that the Government introduced additional planning controls in relation to betting offices, removing them from Class D2 use to a 'sui generis' use. This means that Betting Shops have been taken out of the planning 'use' classes and will need to receive planning approval. This has enabled Planning Authorities to exercise stricter controls over these uses, and this Authority would expect applicants for new Gambling Premises Licences to have been granted permission to use prospective premises for the proposed operation subject of the licence application.

4 Premises Licences

4.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must [apply to the Licensing Authority for a premises licence](#).

4.2 For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the Council's opinion that all gambling premises, whether subject to an application or currently licensed, must operate primarily in the use of the licence type applied for or issued.

4.3 A premises licence issued by the Licensing Authority will be subject to mandatory and/or default conditions and conditions imposed by the Council. The Council may consider that conditions, other than the mandatory or default conditions, are necessary to ensure that the premises operate in a manner that is reasonably consistent with the licensing objectives, the Commission's [Codes of Practice](#) and/or [local authority guidance](#), and this Statement of Gambling Policy.

4.4 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Act authorises the provision of gambling facilities for the following types of premises licences: (For definitions of categories of gaming machines, see the glossary at section 25 of this policy)

- casino premises
- bingo premises
- betting premises, including tracks and premises used by betting intermediaries
- adult gaming centre premises (for category C and D machines)
- family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

4.5 In betting premises, the primary activity will be betting, with gaming machines as an ancillary offer on the premises. As far as betting or bingo premises licences are concerned the [Gambling Commission's Licence Conditions and Codes of Practice \(LCCP\)](#) sets out the requirements on the operator to ensure that premises operate within the terms of the Act and the relevant conditions.

4.6 The Council will make decisions having regard to the Commission's view on primary gambling activity and will expect applicants to operate premises in line with the [Commission's Guidance](#) and conditions on their operator's licence. The Council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to demonstrate that the premises are intended to be used for the primary gambling activity proposed. For example, a betting premises licence application that only has 4 gaming machines, but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

5 Conditions

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

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

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

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

5.2 We will make decisions on individual conditions, on a case-by-case basis, although there will be a number of measures we will consider using if necessary, such as using door supervisors, appropriate signs for adult-only areas and so on. We will also expect you to offer suggestions as to how you will meet the licensing objectives effectively. ~~Where we engage any discretion with conditions, we will always ensure that it is exercised proportionately,~~ [having regard to the LCCP conditions which apply.](#)

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

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

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

Door and Windows

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

Signs and Announcements

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

Speakers

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

5.5 Such conditions will only be considered where there is evidence to suggest that the licensing objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, is not being promoted for a specific premises and the imposition of such conditions are necessary to promote this licensing objective.

6 Local Area Profile

6.1 ~~Local Area Profile~~ A map of this Local Authority's area has been attached as a separate document to this policy, at Annex 3. A newly revised local area profile was produced in October 2024 and has been attached as a separate document to this policy at Annex 3. This document may need to be reviewed and updated from time to time as the local environment evolves over the lifetime of this policy. We must therefore retain the ability to review and quickly update the local area profile so that we remain aware of the current and emerging risks.

6.2 ~~The map~~ This document contains the location of all schools, hostels, health services, children's centres, and hotspots of anti-social behaviour (ASB). This Authority will pay particular attention to applications for the new

grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of ASB, hostels/homes for vulnerable people and centres for people with a gambling addiction. The Authority will also pay particular attention to areas where children, young people and families congregate, **and areas of high vulnerability and deprivation**. This document will be periodically updated and will be publicly available on the [Hammersmith and Fulham Council website](#).

- 6.3 ~~Where paragraph 5.7 applies~~ Irrespective of the area where an application is made, this Authority will always expect applicants to fully explain in their local area risk assessment how their proposal will not exacerbate any problems to individuals living in the vicinity or exacerbate any ASB problems within the vicinity generally. The local area risk assessment enables an applicant to identify risks posed by the gambling facilities provided and to detail policies, procedures and control measures in place to mitigate the risk.
- 6.4 Additional conditions may also be required where there is evidence that the policies, procedures and control measures contained within the risk assessment do not adequately address the risk posed by the provision of gambling facilities proposed. They should have the appropriate numbers of trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business. This Authority fully supports any 'Bet Watch' or similar schemes within the borough. This Authority expects operators of relevant premises to actively participate in the scheme in order to demonstrate their commitment to protecting vulnerable people from gambling harm.

Gambling Vulnerability Zones

- 6.5 Our local area profile has identified 5 high risk areas known as "Gambling Vulnerability Zones". These areas are rated in the top 40% of a vulnerability index developed by Hammersmith and Fulham's Business Intelligence team in 2023. The risks in these areas are driven by a number of factors including deprivation, youth unemployment, household income and lone parent households, amongst others. More information on these areas is included on pages 8 to 12 of the borough's local area profile available at Annex 3 .

Cumulative Impact Areas

- 6.6 At the time of publishing this statement it is evident that there is a clustering of gambling premises in the Shepherd's Bush, Hammersmith and Fulham (north end road) areas – these areas have been highlighted as three "Cumulative Impact Areas" on pages 18 and 19 of our local area profile.
- 6.7 It is clear from the information provided in the local area profile that the clustering, or cumulative impact, of gambling premises is currently undermining one or more of the licensing objectives. In particular, the most recent local area profile has shown that these areas have the highest levels of Crime and ASB in the borough. It should also be noted that all three of these areas are also partly, or wholly, within one of the five gambling vulnerability zones mentioned above.
- 6.8 Within gambling vulnerability zones and Cumulative Impact Areas, we would expect existing operators to have appropriate measures in place to address the specific risks within those areas. More information on considerations for local risk assessments and appropriate conditions are included in section 6.12 and 6.13 below.

Policy presumption of refusal within Gambling Vulnerability Zones and Cumulative Impact Areas

- 6.9 Within Gambling Vulnerability Zones and the three Cumulative Impact Areas, there is a policy presumption to refuse any new gambling applications for AGC, Betting Shops or Bingo premises, except in exceptional circumstances.

Local Risk Assessments

- 6.10 Applicants should always be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their Local Risk Assessment (LRA) how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people or proximity to churches, mosques, temples or any other place of worship. Religious premises and places of worship often support vulnerable members of the local community, including the homeless community and youth population and have therefore been included in this policy, rather than for any moral or ethical reasons.
- 6.11 If the authority does not feel that risks have not been identified or adequately addressed then an applicant would be invited to reconsider the risk assessment submitted. Some publicly available sources of information to assist in operators completing a Local Risk Assessment (LRA) include:
- (a) the [latest crime statistics and advice](#);
 - (b) [Office for National Statistics](#) for local neighborhood information;
 - (c) Relevant websites or publications by any of the [Responsible Authorities](#);
 - (d) Information leaflets and helpline numbers, from organisations such as [GamCare](#) and [GambleAware](#), for customers who may have a gambling addiction.
 - (e) [The National Gambling Treatment Service](#) who work with, and alongside, the National Health Service (NHS). It provides telephone, on-line and face-to-face treatment for individuals and groups via a network of NHS trusts and voluntary sector organisations.
- 6.12 This Authority will expect applicants for the new grant of, or variation to an existing, licence to also submit their LRA to comply with the [Licence Conditions and Codes of Practice \(LCCP\) - Social Responsibility \(SR\) code 10.1.1 and Ordinary code provision 10.1.2](#). Additional licence conditions will only be considered where there is evidence that gambling premises in a particular area will exacerbate the risk of harm to vulnerable, and young, people, and where there is evidence that they are necessary in order to promote the licensing objectives. There is no presumption that because a gambling premises is proposed to be located in a specific location that there will be a need for additional licence conditions, or that an individual application will be rejected. We strongly recommend that operators of licensed premises keep their Local Risk Assessments on the individual licensed premises and ensure that it is available for inspection.

The [LCCP](#) also states that a LRA must also be submitted when changes in the local environment or the premises warrant a LRA to be conducted again. This may be where:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area.
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those

vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels, religious places, places of worship or gambling or mental health care/ support facilities are opened in the local area).

The Authority will expect the local risk assessment to consider:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children and young people will congregate such as youth clubs, parks, bus stops, cafés, shops, entertainment venues such as cinemas, bowling alleys and any other place where children are attracted.
- the demographics of the area in relation to vulnerable groups.
- whether the premises is in an area subject to high levels of crime and/or disorder, including areas that are prone to youths participating in antisocial behaviour, e.g. graffiti/tagging or underage drinking.
- the nighttime economy in our town centres so that it is sensitive to local residents but enhances the borough as a destination for inward investment, tourists and visitors.
- how women can be kept safe through support for the Women's Night Safety Charter, which the council has signed up to.
- how vulnerable people, including people with gambling dependencies are protected.
- assessing staffing levels when a local college closes and the students begin to vacate the grounds.
- age verification policies such as 'Challenge 25'.
- How joining schemes such as Bet Watch could help reduce crime and antisocial behavior.
- line of sight from the counter to gambling machines.
- information held regarding self-exclusions and incidences of underage gambling.
- gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- The impact of the covid pandemic on gaming trends and on operational risks.
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, religious places, places of worship, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.

6.13 Appropriate licence conditions may be as follows:

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

[National Gambling Treatment Service](#) must be provided.

- 6.14 The licensing authority will ensure that where category C or above machines are on offer in premises to which children are admitted the following conditions should apply:
- remainder of the premises is divided by a physical barrier which is effective to prevent any views of machines in category C or above and any access to them other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 6.15 The licensing authority expects opening hours for premises to be specified only in applications where hours are not already specified by the default conditions. The licensing authority also suggests that that the terminal hour for AGC and Bingo premises should be limited to 22:00. Any AGC such premises wishing to operate after this time would need to provide a robust risk assessment and also commit to employing more than one member of staff after 22:00.
- 6.16 These considerations will also apply to premises where more than one premises licence is needed.

Door Supervisors

- 6.17 We may consider whether door supervisors are needed to meet the licensing objectives of protecting children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. In particular, we would expect the appropriate numbers of door supervisors to be employed at premises where alcohol is sold or operates beyond 22:00 ~~11pm~~. We may feel it necessary to add specific conditions in relation to door supervisors, particularly where the door supervisors do not have to be registered with the Security Industry Authority (SIA). These conditions may include:
- the need to be easily identifiable, with the person's name badge clearly on display; and
 - the need to have received specific training related to the task being performed.
- 6.18 This recognises the work door supervisors carry out, which includes searching individuals, dealing with potentially aggressive people, where there are concerns about modern slavery or child sexual exploitation and so on.
- 6.19 For premises other than casinos and bingo premises, operators and licensing authorities may decide that entrances and machines should be supervised in particular cases, but they will need to decide whether these supervisors need to be licensed by the SIA or not. It will not be automatically assumed that they need to be.
- 6.20 There is no evidence that, generally, betting offices need door supervisors to protect the public. The authority will only require a betting shop to appoint a door supervisor if there is clear evidence that the premises cannot be properly supervised from the counter.

7 Responsible authorities

- 7.1 The responsible authorities as defined by the Act are listed in the glossary under section 25 of this policy.

- 7.2 Contact details of all the responsible authorities under the Act can be obtained from our [website](#).
- 7.3 We must set out the principles we will apply when naming an organisation which will be able to advise us on protecting children from harm. The principles are that the organisation must be:
- responsible for an area covering the whole of the licensing authority's area; and
 - be answerable to elected people, rather than any group with an interest in gambling.
- 7.4 We appoint the [Local Safeguarding Children Partnership](#) (LSCP) for this purpose.

8 Relevant representations and interested parties

- 8.1 Interested parties can comment on licence applications or apply for a review of an existing licence. Interested parties are defined in section 158 of the Act as follows: 'For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:
- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - has business interests that might be affected by the authorised activities; or
 - represents persons who satisfy paragraph (a) or (b).'
- 8.2 The Gambling Commission has recommended that we make it clear that interested parties include trade associations and trade unions, and residents' and tenants' associations ([Gambling Commission guidance for local authorities 8.16 and 8.17](#)). However, we will not generally view these organisations as interested parties unless they have a member who can be classed as an interested person under the terms of the Act (that is, lives close enough to the premises or has business interests that might be affected by the activities being applied for).
- 8.3 Interested parties can be people who are democratically elected such as Councillors and MPs. We will not need specific evidence of them being asked to represent an interested person as long as the Councillor or MP represents the ward that is likely to be affected. Other than that, however, we will generally need written evidence, e.g. a letter, that a person or organisation 'represents' someone who either lives close enough to the premises to be likely to be affected by the authorised activities or has business interests that might be affected by the authorised activities.
- 8.4 If people want to approach Councillors to ask them to represent their views, they should be careful that the Councillors are not part of the licensing committee dealing with the licence application. Councillors may be restricted in representing constituents under the members' code of conduct in cases where they have a particular interest. Please [contact us](#) if there are any doubts.
- 8.5 We will decide each case individually. We will not apply a strict rule when making decisions. We will consider the Gambling Commission's guidance for local authorities should we need any clarity regarding the validity of any particular representations.
- 8.6 Representations will not be accepted if they do not relate to one or more of the three licensing objectives (as set out in section 1.3 of this policy). 'Frivolous' or 'vexatious' representations will not be accepted as valid.

8.7 Environmental issues such as noise or light pollution cannot be considered under the Act as they do not relate to the licensing objectives. Issues of this type can be considered under the Environmental Protection Act 1990 and should be reported to the Council's Noise and Nuisance team [online](#), or on 0208 753 1081 or by email to: noise@lbhf.gov.uk.

9 Reviews

9.1 An interested party or a responsible authority (see the glossary at section 25 for a list of relevant responsible authorities) may apply to the Council to review a premises licence. Such reviews can be made in relation to, amongst other things;

- i) if there are repeated incidents of crime and disorder associated with the premises, or the gambling activity, which the premises operator has failed to adequately address,
- ii) where incidents that have adversely affected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been taken account of,
- iii) if the premises is either attracting children or people likely to be involved in crime and disorder, e.g. modern slavery or child sexual exploitation, due to the activities being undertaken.

An application to review a premises licence may be made requesting that conditions relating to age verification policies are applied to the licence where an underage test purchase has been made.

9.2 As a review of a premises licence can lead to its revocation, the Council will consider what informal action has been undertaken by the applicant, or the licence holder, prior to the review application being made. The Council accepts that an application for review may be appropriate without informal measures first being requested by an applicant but will actively encourage appropriate alternative forms of action being considered prior to review applications being made.

9.3 Our decision will be based on whether the request for the review:

- raises an issue related to any [relevant code of practice](#), any relevant [guidance issued by the Gambling Commission](#), the licensing objectives or this statement;
- is frivolous or vexatious;
- could possibly lead to a decision to alter, revoke (withdraw) or suspend the licence; or
- raises grounds that are substantially the same as, or different from, grounds within an earlier request for a review or from representations made in relation to the application for the premises licence.

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

10 Enforcement

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

businesses, we will endeavor to:

- understand and minimise negative economic impacts of our regulatory activities;
- minimise the costs of compliance for those we regulate;
- improve confidence in compliance for those we regulate, by providing greater certainty; and
- choose proportionate, transparent and effective approaches to encourage and promote compliance

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

- 10.2 In accordance with the Gambling Commission's guidance and the 'Regulators Code' we will provide the criteria we will use for this on request or provide the information on our website. In accordance with the Regulators Code only those premises identified as being 'high risk' premises will be routinely inspected. Officers will only visit premises where there is a reason to do so (e.g. as part of a complaint investigation).
- 10.3 Once premises have been licensed it is essential that they are monitored to make sure that they are run in accordance with their operating schedules and with any licence conditions. It will also be important to monitor the borough for unlicensed premises.
- 10.4 The main enforcement role for us in terms of the Act will be to make sure that premises are used in accordance with the licences and other permissions which we authorise. The Gambling Commission will be the enforcement body for operating and personal licences. The Gambling Commission will also deal with concerns about the manufacture, supply or repair of gaming machines.
- 10.5 We will investigate complaints about licensed premises in relation to the licensing objectives or offences under the Act. If it is not appropriate for you to raise the complaint directly with the licence holder or business concerned to try and find a solution, please [contact us](#) for advice or information. There may be circumstances where the premises may be operating in a way that could result in enforcement action, e.g. a complaint in relation to criminal activities or that it is being used by children. In these circumstances we would recommend that you provide us with this information directly rather than speaking with the licence holder or business concerned. We can then refer the information to the appropriate authority for further investigation or for information.
- 10.6 This Licensing Authority recognises that certain bookmakers have several premises within its area. In order to ensure compliance issues are recognised and resolved at the earliest stage, the Licensing Authority will contact the [Primary Authority](#) for the business. Where there is no [Primary Authority Partnership](#) in place, operators are requested to give the Authority a single named point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.
- 10.7 In recognition of H&F's diverse community and to support the principles in this enforcement policy of transparency, consistency, proportionality, targeting and helpfulness, we want to:
- a) commit to working with diverse businesses to ensure equality for all. Along with the Health and Safety Executive (HSE) and others we need to be an organisation which *"understands the diverse society in which it operates, which is clear about the impact of its policies and operations on that diverse society, and which conducts its business with sensitivity and respect for people's different needs, vulnerabilities and perspectives on life"*;

- b) ensure that we minimise the impact of our enforcement actions on diverse businesses, which could unintentionally lead to race and other inequalities;
- c) improve any perceived negative perception that diverse businesses may have of local government regulators;
- d) raise awareness about how our services can support individuals and families in diverse communities with easy access to advice and protection, to minimise any inadvertent race or other inequalities;
- e) increase the reporting of non-compliant business operations within diverse communities; so that reputable businesses can thrive and grow and to improve the safety, health and wellbeing of our residents.

We will achieve this goal by:

- improving the equalities monitoring of our enforcement actions and outcomes to enable us to have improved data to use with equality impact assessment tools;
- using our monitoring and other data to make improvements to the way in which we communicate, help, engage with and support diverse businesses;
- making better use of business intelligence and other monitoring data to improve our targeted communications when reaching out to a diverse range of people and organisations to understand and address any potential barriers to communication.
- responding positively to requests for information in alternative formats or by specific officers, where capacity and availability of resources, will allow;
- making better use of available training, information and research to provide information about race and other diversity issues, so that we can engage in a more helpful way;
- providing unconscious bias and other equalities training for all our officers; and
- improving the diversity of advisory/consultee bodies and stakeholder networking.

11 Exchanging information

11.1 We will exchange information in accordance with the Act and Data Protection legislation.

11.2 We will also consider any guidance issued by the Department for Business, Energy and Industrial Strategy (BEIS), or the Gambling Commission to local authorities on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

11.3 When the law allows, the Licensing Authority will agree secure mechanisms to share information with other regulators about gambling premises, to help target resources and activities and minimise duplication.

12 Provisional statements

12.1 We will decide whether premises can be considered for a premises licence. The guidance issued by the Gambling Commission advises that the building should be complete so that the authority could, if necessary, carry out a full inspection.

12.2 We cannot consider any more representations from relevant authorities or interested parties after we have issued a provisional statement, unless they concern matters which could not have been dealt with at the provisional statement stage, or they reflect a change in circumstances. We may also refuse the premises licence (or grant it on terms different to those attached to the provisional statement) if the matter:

- could not have been raised by objectors at the provisional licence stage; or

- reflects a change in the operator’s circumstances.

13 Temporary-use notices

- 13.1 These allow premises to be used for gambling where there is no premises licence but where a gambling operator wants to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary-use notice would include hotels, conference centres and sporting venues. A temporary-use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.
- 13.2 The Secretary of State will list the gambling activities that may be covered by a temporary-use notice, as well as activities that may not be and activities that may not be combined with any other.

14 Occasional-use notices

- 14.1 Where there is betting on a track on eight days or less in a calendar year, betting may be allowed under an occasional-use notice without the need for a full premises licence.
- 14.2 We have limited power in relation to these notices other than making sure that betting is not allowed for more than eight days in a calendar year.

15 Consultation

- 15.1 We will expect you to advertise the application in line with the regulations made under the Act. An applicant for the grant or variation of a licence, or for a provisional statement is required to advertise the application by means of:
- a notice displayed at the premises for 28 consecutive days starting on the day the application is made to the licensing authority, and
 - publication of the notice of application in a local newspaper within 10 working days of submitting the application to the licensing authority.

The notices must be in the prescribed form.

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

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

16 Adult gaming centres, family entertainment centres (licensed), bingo premises and betting premises.

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

- 16.2 We will expect you to offer your own measures to meet the licensing objectives. Appropriate measures and licence conditions may include the ones listed in section 5 and Annex 2 of this policy.
- 16.3 We will consider the [guidance issued by the Gambling Commission](#) and will take into account the size, suitability, layout of the premises and, if relevant, the number of counters available for face-to-face transactions.
- 16.4 Providing the Licensing Authority with details of where a child or young person repeatedly attempts to gamble on their premises may provide the Licensing Authority with an opportunity to consider safeguarding concerns. The Licensing Authority continues to raise awareness in cooperation with the Metropolitan Police of modern slavery or child sexual exploitation, via [Operation Makesafe](#), amongst the business community. To date, efforts have been focused on providing awareness to hotels, taxi companies and licensed premises.
- 16.5 Larger operators are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. Operators are encouraged to also make the results available to licensing authorities, as far as is practicable.

17 Family Entertainment Centres (FECs)

17.1 There are two types of Family Entertainment Centres:

- a) Licensed - providing both category C and D machines, which require a premises licence
- b) Unlicensed - providing category D machines only, which do not require a premises licence, but are regulated through Family Entertainment Centre Gaming Machine Permits

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

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

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

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

17.5 The Council will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable people from harm ([Social Responsibility Code 3](#)). Harm in this context is not limited to harm from gambling but includes wider child protection and potential modern slavery or child sexual exploitation considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

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

18 Casinos

18.1 We currently have a 'no casino' resolution in this borough.

18.2 The 'no casino' resolution came into effect on the same date as the original Statement of Gambling policy.

18.3 This means that we will not consider any applications for a premises licence for a casino. We will return any applications we receive with a notice that a 'no casino' resolution is in place.

19 Tracks

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

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

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

20 Travelling fairs

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

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

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

21 Gaming machine permits for premises that sell alcohol

- 21.1 Premises licensed to sell alcohol for people to drink on the premises are entitled to have two gaming machines, of categories C and/or D. The licensee must provide notification, and we can remove this entitlement if:
- the machines are not provided in line with the licensing objectives;
 - gambling has taken place on the premises that breaks a condition of section 282 of the Act (that is, written notice has not been provided to the licensing authority, a fee has not been paid and any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been met);
 - the premises are mainly used for gambling; or
 - an offence under the Act has been committed on the premises.
- 21.2 If a licensee wants to have more than two machines, they need to apply for a permit and we must consider that application based on the licensing objectives, any [guidance issued by the Gambling Commission](#) issued under section 25 of the Act, and any other relevant conditions.
- 21.3 One of the licensing objectives is to protect children and vulnerable people from harm or being exploited by gambling. We will expect you to show us that there will be enough measures to make sure that people under 18 do not have access to the adult-only gaming machines. Appropriate measures and licence conditions may include the ones listed in section 5 above and Annex 2.
- 21.4 Some alcohol-licensed premises may apply for a premises licence for areas of the premises which are not licensed for selling alcohol. Any such application would most likely need to be made and dealt with as a premises licence for an adult gaming centre.
- 21.5 We can decide to grant the application with a smaller number of machines or different category of machines than those applied for. Conditions (other than these) cannot be attached.
- 21.6 The holder of a permit must follow any [code of practice issued by the Gambling Commission](#) about where and how the machine must be used.

22 Prize gaming permits

- 22.1 This Authority has not adopted a statement of principles on permits under Schedule 14 paragraph 8 (3) of the Act.
- 22.2 Gaming is defined as prize gaming if the nature and size of the prize does not depend on the number of people playing or the amount paid for or raised by the gaming. The operator decides the price before anyone starts to play on the machines.
- 22.3 A prize gaming permit is a permit we issue to authorise gaming facilities with prizes on specific premises.
- 22.4 An application for a permit can only be made by a person who uses or plans to use the relevant premises. If the applicant is an individual, they must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is already in existence for the same premises.
The application must be made to the authority in whose area the premises are completely or partly situated.
- 22.5 When making our decision on an application for this permit, we do not need to consider licensing objectives but must consider any [Gambling Commission guidance](#).

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

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

23 Club gaming and club machine permits

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

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

23.3 We may only refuse an application if:

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

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

24. Small Society Lotteries

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

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

24.2 The Licensing Authority recommends those seeking to run lotteries take their own legal advice. Guidance notes on small society lotteries, limits placed on them and information setting out financial limits can be found on our [website](#). Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located.

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

The Licensing Authority will accept society lottery returns electronically by email.

25 Other Information

- 25.1 **Annual Licence fee** – The Gambling Act 2005 requires every holder of a gambling licence to pay an annual fee to the Licensing Authority. Failure to pay the annual fee may result in the revocation of the premises licence.
- 25.2 **Public Health considerations** - Although public health is not yet formally a licensing objective there is definitely evidence that problem gamblers and their families are at risk of significant health and social problems such as mental illness, drug and alcohol misuse, relationship breakdown, criminal activity and financial difficulties. The Licensing Authority will liaise with public health colleagues about new and variation applications within the borough, so that we can continue to monitor any increase in access to gambling opportunities for those at risk of problem gambling, check for vulnerable locations nearby eg drug and alcohol clinics or homeless hostels, and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help.
- 25.3 **Equalities** - The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Hammersmith and Fulham Council has an [Equal Opportunities Policy](#) and this revised Statement of Gambling Policy will be monitored for any adverse impact on the promotion of opportunities for all.

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

- 25.4 **Email Alerts** - If you are interested in being notified about new applications you can [register on our website](#) for licensing application email alerts and receive regular updates about applications in your area.
- 25.5 **The Local Plan** - The [Local Plan](#) sets out the Council's planning policies for developing land, improving transport and protecting the environment. The Council is required to determine planning applications in accordance with the Local Plan, the [London Plan](#) and any other material considerations.
- 25.6 **Review of the Statement of Gambling Policy** - Under the Gambling Act 2005, the Licensing Authority must carry out a review of its Statement of Gambling Policy every three years. In accordance with the Act, the Licensing Authority intends to carry out a further full review of its policy no later than 2028 and, prior to publishing the revised version, it intends to consult fully with those groups and individuals consulted, as required by law. In addition, within the three-year period the Licensing Authority will review its Statement of Gambling Policy whenever it feels that relevant issues have arisen - for example, if any further significant amendments are made to the Gambling Act 2005, [Guidance](#) or [Codes of Practice](#). Any website links within

this document that do not work will be updated or removed. Issues that arise concerning implementation of the policy will be recorded in an issue log and taken into account during any review.

miners' welfare institute, with up to three machines of category-B (restricted to B4) C or D (that is, three machines in total).

- 26.6 **Family entertainment centre** (with commission operating licence) – a premises that may have any number of category-C machines and any number of category-D machines. Category-C machines must be in a separate area to make sure that they are only played by adults.
- 26.7 **Family entertainment centre** (with gaming machine permit) – a premises that may have any number of category-D machines. There is no power for the licensing authority to set a limit on the number of machines covered by the permit.
- 26.8 **Gaming machines** – all machines on which people can gamble.
- 26.9 **Occasional-use notices** – where there is betting on a track on eight days or less in a calendar year, betting may be allowed under an 'occasional-use notice' without the need for a full premises licence.
- 26.10 **Primary Authority** – Where a chain of businesses and a specific Local Authority agree, that Authority becomes the 'Primary Authority' for those businesses. The authority will ensure consistent regulation, improving the professionalism of front-line regulators, and giving businesses a say in their regulation. Where another Local Authority has concerns about compliance issues, it must refer to the Primary Authority for directions.
- 26.11 **Provisional Statement** - Where an applicant can make an application to the Licensing Authority in respect of premises that he:
- Expects to be constructed
 - Expects to be altered
 - Expects to acquire a right to occupy.
- 26.12 **Regulators' code** – protects the public, the environment and groups such as consumers and workers through the 'business-friendly' enforcement of regulations. It is a procedure that can be adopted by enforcement officers to help businesses and others meet their legal responsibilities without unnecessary expense while taking firm action, including prosecution where appropriate, against those who break the law or act irresponsibly.
- 25.11 **Remote gambling** – gambling that takes place on the internet.
- 25.13 **Responsible authorities** – these are public organisations that must be told about applications and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to, a premises licence. They are:
- a licensing authority in whose area the premises is completely or partly situated;
 - the Gambling Commission;
 - the chief officer of police or chief constable for the area in which the premises is completely or partly situated;

- the fire and rescue authority for the same area;
 - the local planning authority;
 - the noise and nuisance team;
 - the Local Safeguarding Children's Partnership (LSCP); and
 - Her Majesty's Commissioners of Customs and Excise.
- any other person prescribed for the purposes of this section by regulations made by the Secretary of State

- 25.14 **Reviews** - Applications for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review application is valid and/or whether it is appropriate to carry out the review, given the circumstances.
- 25.15 **Spread betting** – allows an investor to bet on whether they believe that the price quoted is likely to strengthen (go up in value) or weaken (go down in value). The profit or loss for a spread bet depends on the difference in the buy and sell price.
- 25.16 **Small Society Lottery** - A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
- 25.17 **Temporary-use notices** – these allow premises to be used for gambling where there is no premises licence but where a gambling operator wants to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary-use notice would include hotels, conference centres and sporting venues.
- 25.18 **Travelling fair** – completely or mainly providing amusements on a site that has been used for fairs for no more than 27 days in each calendar year. Any number of category-D machines can be made available but the facilities for gambling must not be the main amusements at the fair.

Annex 1 Mandatory Conditions

Gambling Act 2005 Mandatory and Default Conditions by premises type

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

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

Betting Tracks only		
Tracks(all)	No customer shall be able to access the premises directly from another premises which has a casino premises licence or an adult gaming centre premises licence.	Mandatory
Tracks (all)	A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.	Mandatory
Tracks(all)	The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.	Mandatory
Tracks(all)	The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets (a) will be operating under a valid operating licence; and (b) are enabled to accept such bets in accordance with- (i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or (ii) an authorisation under section 94 (horse-race pool betting operating licence) of that Act	Mandatory
Tracks(all)	The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.	Mandatory
Tracks(all)	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Mandatory
Horseracing Tracks (converted from an existing track)	The licence holder shall ensure that any part of the tracks which, prior to 1 September 2007, were made available for betting operators (or their assistants) will continue to be so.	Mandatory
Horseracing Tracks (converted from an existing track)	The charge for admission to an existing betting area for providing facilities for betting shall not exceed five times the cost of the highest charge paid by members of the public (for betting operators) or the highest charge paid by member of the public (for the betting operator's assistant). All betting operators and betting operators' assistants will be charged the same for admission to the same part of the track. No other charge may be made, and the charges must only cover reasonable costs.	Mandatory
Horseracing tracks (all)	The premises licence holder shall provide a place on the premises where betting operators and betting operators' assistants may provide facilities for betting. This does not apply to converted licences prior to the 01 September 2012.	Mandatory
Dog Tracks	A totalisator on the premises shall only be operated at a time when the public are admitted for the purpose of attending dog races and no other sporting events are taking place on the premises, and for the purpose of effecting betting transactions on the dog races taking place on the premises.	Mandatory
Dog Tracks	At any time when the totalisator is being used, no betting operator or betting operator's assistance shall be excluded from the premises for the reason that s/he proposes to negotiate bets on the premises. There must also be space made available where the betting operators and their assistants can conveniently accept and negotiate bets in connection with the dog races running on the premises that day.	Mandatory

Tracks (all)	HOURS: No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next, except where there is a sporting event taking place on the premises. Where there is a sporting event taking place on the premises then gambling may take place at any time that day.	Default
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Bingo		
Bingo	A notice stating that no person under the age of 18 is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Bingo	No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect: <ul style="list-style-type: none"> • A casino premises licence • An adult gaming centre premises licence • A betting premises licence other than a track premises licence 	Mandatory
Bingo	Where children and/or young persons are permitted by the licence holder to enter the premises, and category B or C gaming machines are made available for use on the premises, then the gaming machines must be: <ul style="list-style-type: none"> • separated from the rest of the premises by a physical barrier to prevent access other than via an entrance designed to be the entrance • supervised at all times to ensure children or young persons do not enter the area • arranged so that the area can be observed by persons responsible for supervision or closed-circuit television which is monitored • The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 years is permitted to enter the area.	Mandatory
Bingo	Where there is a charge for admission there must be a notice of the charge displayed in a prominent place at the principal entrance to the premises.	Mandatory
Bingo	A notice setting out any other charges in respect of the gaming (except prize gaming) shall be displayed at the main point where payment for the charge is to be made. Such a notice must include the cost (in money) of each game card or set of game cards, payable by an individual in respect of the game of bingo, and the amount that will be charged by way of a participation fee. There should also be in the notice a statement that all/part of the participation fee may be waived at the discretion of the person charging it. This notice can be displayed in electronic form.	Mandatory
Bingo	The rules of each type of game that is available (other than gaming machines) shall be made available to customers within the premises by either displaying a sign, making leaflets or other written material available, or running an audio-visual guide prior to any game commencing.	Mandatory
Bingo	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Mandatory
Bingo	HOURS: No facilities for gambling shall be provided on the premises between midnight and 9am, apart from gaming machines.	Default

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

Annex 2 Local Pool of Licence Conditions

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

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

shall be kept on the premises and should be made available for inspection by the Police and/or authorised Council officers at any time the premises is open.
Door Supervisors Any door supervisors working at the premises must be licensed by the Security Industry Authority
A minimum of (insert number) door supervisors shall be on duty on the premises during the hours of (insert times) on (insert days of the week)
A minimum of (insert number) door supervisors shall be provided on (insert days of week) to patrol external areas of the premises between the hours of (insert times)
Random searches shall be undertaken of customers entering the premises between the hours of (insert times) and prominent signage provided to this effect
Crime Prevention A metal detection device shall randomly be used by door supervisors to search patrons for weapons
A search arch shall be used at the entrance to the premises to detect customers who may be carrying weapons
An electronic door lock (maglock) shall be fitted to the front door of the premises.
Any drugs or weapons confiscated from customers shall be stored in a locked and secure container and the Police shall be notified as soon as reasonably practicable.
All gaming machines shall have a control behind the counter to allow machines to be turned on or off. (Insert crime prevention device – see examples below) shall be installed at the premises to the satisfaction of the Police licensing officer <ul style="list-style-type: none"> • Shutters • Re – enforced steel back/front doors • Window bars • External lighting • Security mirrors • Prevention signage
No facilities for gambling shall be provided on the premises between the hours of (Insert time) on one day and (Insert time) on the next day
Any entrance or exit doors to the premises shall remain closed at all times (i.e. not propped open)
A panic button shall be installed behind the counter or service area in the premises. This button should alert the Police to any incident taking place at the premises.
Lone working is not permitted in the premises at any time

Annex 3 – Local Area Profile – available at : www.lbhf.gov.uk/business/licensing/licensing-policy

Gambling Policy Local Area Profile 2024

Page 810

BI Service

October 2024

1. Background

- Introduction to the BI Service and wider context of gambling

2. Local Context

- Overview of Hammersmith and Fulham's population, protective and risk factors, deprivation and vulnerability

3. Current Gambling Venues

- Locations of all gambling venues within the borough with drilled down views

4. Crime and ASB Analysis

- Analysis of crime and ASB hotspots in the borough, as well as analysis of offences taking place in gambling premises

5. Additional Contextual Maps

- Supporting maps on related information, such as all crime and ASB offences and education facilities

The Business Intelligence (BI) Service is a team in Hammersmith and Fulham Council made up of data analysts and developers with the goal of enabling the council to improve outcomes for residents through data analytic activities. The service has three main objectives:

- **BI for Our Residents** – improving our understanding of residents within the Borough and putting them at the heart of our plans.
- **BI for Services** – ensuring that services have the correct information and processes in place to optimise decision making.
- **BI for Transformation** – maximising the value our data as a force for good and implementing data driven technical solutions.

The BI Service is split across four sub-teams, comprising the following:



-  Children's Services
-  Adult Social Care and Public Health
-  Corporate
-  Technical (developers)

The Corporate BI team has been instructed to provide a local area profile on Hammersmith and Fulham to inform the Gambling Policy. The report draws upon data and information held by the council and relevant partners, brought together into a single report, to help to inform best practice for both premises and council staff by highlighting risks relevant to all gambling activities.

The format of the output is an infographic-style that reflects the need to make the information as accessible as possible to a wide audience, such as departments within the council, directorates, elected members, partner agencies, businesses, gambling premises and the general public.



In its most extreme form, gambling is recognised as an addiction by the American Psychiatric Association (APA), as well as by the World Health Organization (WHO) in the International Classification of Diseases.

Gambling behaviours occur along a continuum, with possible harms and benefits present dependent on level of involvement. Harmful gambling is defined as any type of repetitive gambling that disrupts or damages personal, family, or recreational pursuits.

It is estimated that in England there are 3.9% of the over 16-year-old population have some level of risk attached to their participation in gambling, with 0.4% estimated to be problem gamblers.¹ Crudely, if this is applied to the mid-year estimated population in 2023 provided by the ONS, that would be equivalent to 631 estimated problem gamblers and 5,370 residents with some level of risk attached to gambling in Hammersmith & Fulham.

There are several impacts of problem gambling including economic costs linked to societal health impacts, health harms to individuals linked to suicides, depression, alcohol dependence and illicit drug use. There are also wider impacts including unemployment and involvement with the criminal justice system. Mental health, lower incomes, and misuse of alcohol or drugs are factors linked to problem gambling. Research has also found males and younger people are more likely to be at risk.²

Researchers have found 6 risk factors they were moderately confident that influenced harmful gambling among children and young people. The research recommended further research is required on risk factors for adults.³

- Number of gambling activities they participated in
- Problem gambling severity
- Anti-social behaviour
- Being violent
- Poor academic performance
- Peer influence

1. [The economic cost of gambling-related harm in England: evidence update 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1096819/the-economic-cost-of-gambling-related-harm-in-england-evidence-update-2023.pdf)

2. [Gambling and substance use | Gambling Help Online](https://www.gamblinghelp.org.uk/gambling-and-substance-use/)

3. [PHE document \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1096819/the-economic-cost-of-gambling-related-harm-in-england-evidence-update-2023.pdf)

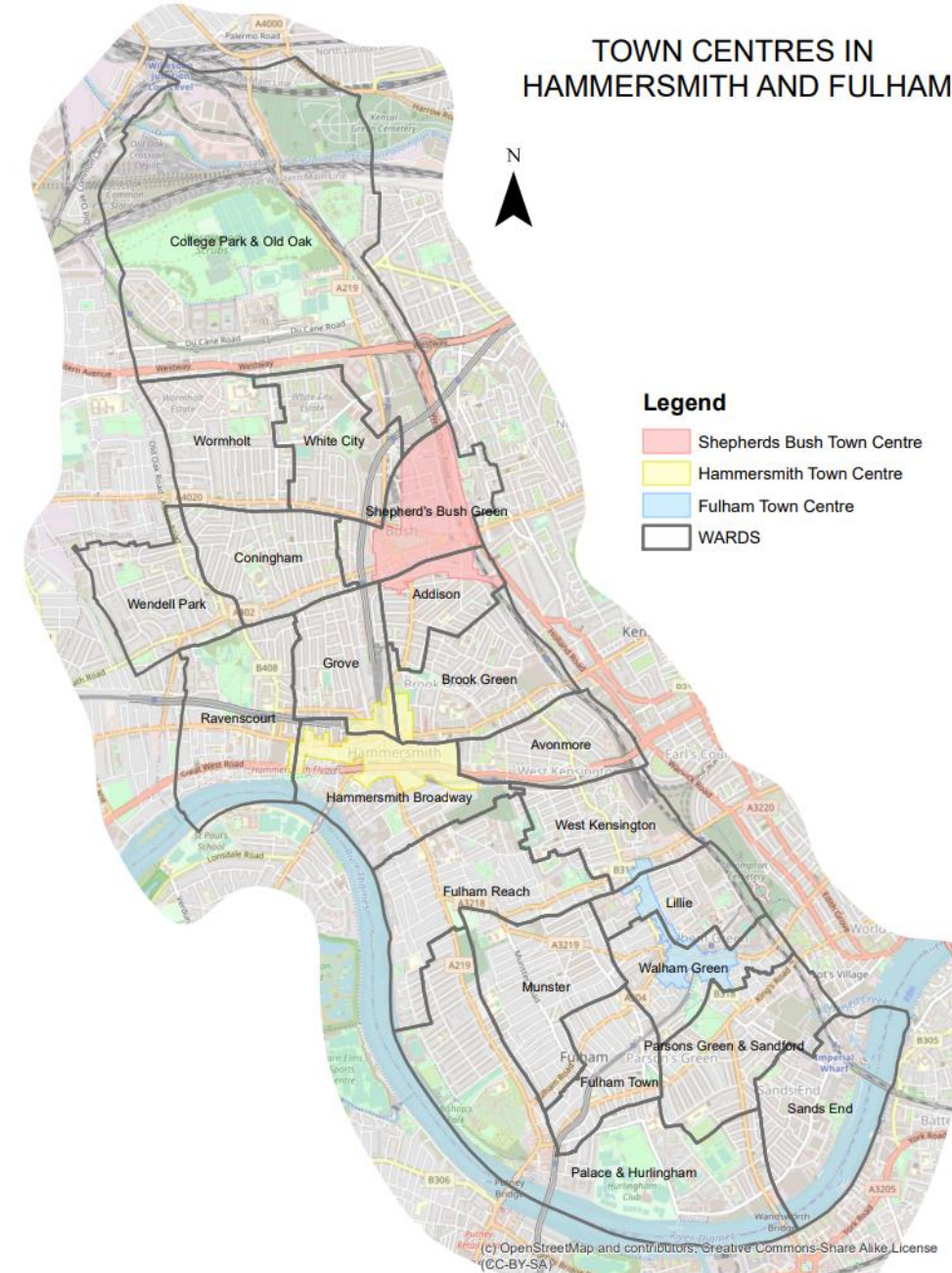
Place & Population

TOWN CENTRES IN HAMMERSMITH AND FULHAM



Legend

- Shepherds Bush Town Centre
- Hammersmith Town Centre
- Fulham Town Centre
- WARDS



Hammersmith & Fulham has 183,200 residents, the 4th smallest population in London. However, there are **high levels of footfall** particularly in the town centres in Shepherd's Bush Green and Hammersmith Broadway. The borough is densely populated and is the 6th more densely populated area in the country.

The age profile of H&F continues to be typical of an affluent urban population; there are fewer people near retirement age and lower levels of younger children when compared to London and England. There is a higher proportion of females (53.1%) than males (46.9%).

There are high numbers of **young professionals** living in the borough with many living alone, the average age is 36.5. The birth rate has been falling and lower than London average, 42.2 births per 1,000 females between the ages of 15 to 44 compared to 54.3 in London.

The borough is becoming more **diverse** with 62% of residents with a recorded ethnicity of black or minority ethnic and 5.3% of residents identified as LGBT.

Hammersmith & Fulham is one of the most **affluent boroughs** in London. The average house price is £790,000, much higher than the London average at £532,000. However, most residents live in either private rented or social housing. Despite its wealth there are **pockets of deprivation**, mostly concentrated in the north of the borough. With concentrations of deprivation in North End, Wormholt, and White City areas.

Protective Factors



High levels of **education attainment**, and lower levels of school absence and persistent absence and a lower number of children not in education, training or employment.



Higher rates of employment in the borough, ranked 11th highest in England and 7th in London, means lower levels of unemployment at 4.2% compared to 4.4.% in London.



Lower levels of hospital admissions due to alcohol or substance misuse for young people compared to London and England.



Higher rates of treatment for specialist drug and alcohol.



Good levels of health, with higher than London average life expectancy for males and females.



Hammersmith & Fulham has a **lower rate of first-time entrants for young people into the criminal justice system** compared to the national and London average and has been falling since 2016.

Risk Factors



Cost of Living Crisis impacting residents and families living in the borough, and exacerbating existing inequalities, with families, single parents, older people and residents living with disability being some of the most vulnerable. Females are more like to be economically inactive in the borough.



Severe mental illness – premature mortality in adults with severe mental illness was significant higher in H&F compared to London and England (rate per 10k) between 2018-20.



Drug related deaths and drug use – the borough has higher levels of alcohol, OCU, crack cocaine and opiate use compared to London and England (2019). In addition, the age-standardised death rate relating to drug misuse is 11.3 per 100k which is triple the London average, and highest rate in London.



Parental substance misuse, child abuse and neglect and acute family stress is higher in H&F when compared to London.



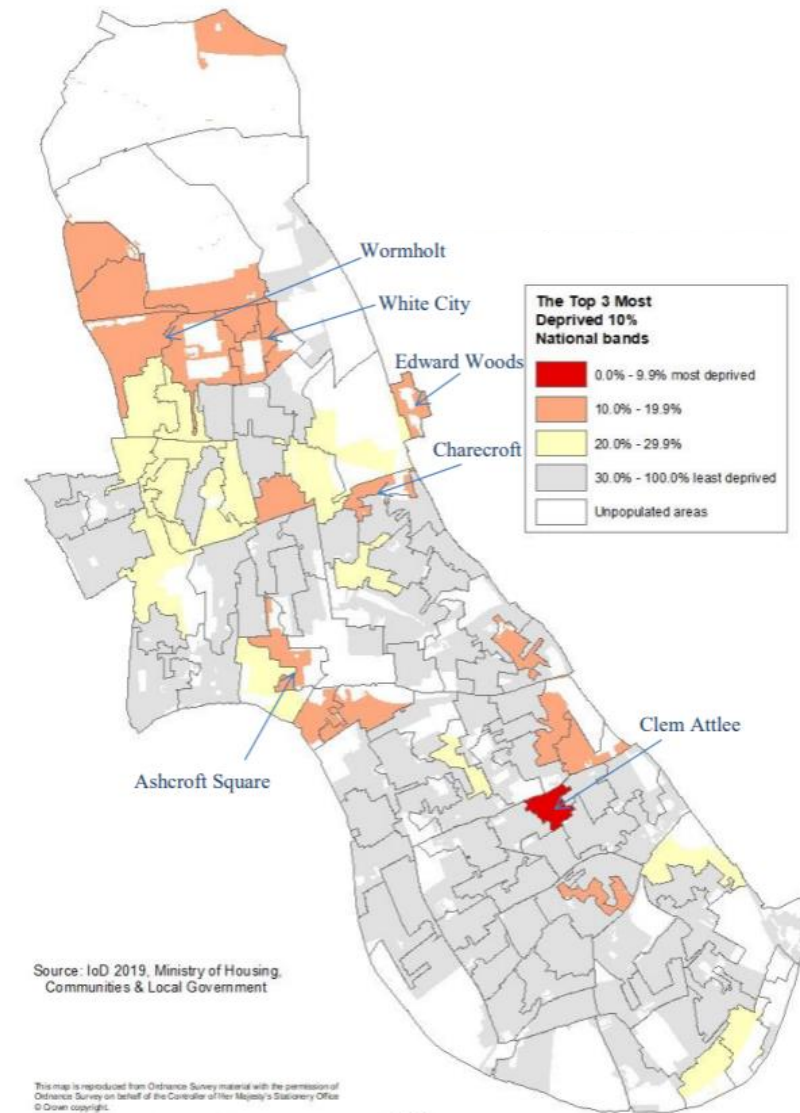
Crime in London and the borough has increased over the last year, although still below pre-pandemic levels. H&F has high levels of footfall, particular around Shepherd's Bush linked to Westfield and Hammersmith Broadway.

The Index of Multiple Deprivation (IMD) is developed by the Ministry of Housing, Communities & Local Government (previously Department for Levelling Up, Housing and Community) and represents small area measures of relative deprivation across the UK. The broad themes to define this deprivation include income, employment, education, health, crime, barriers to housing and services, and the living environment (also known as the Indices of Deprivation, or IoD). The areas are split by a census-defined geographical area known as a Lower layer Super Output Area (LSOA)*. The latest data available is for 2019, and it is expected that an update will be released in 2025. More information on the IoD can be found [here](#).

In 2019, Hammersmith & Fulham placed 112th most deprived of 317 local authorities in England when measured by score. One LSOA ranks in the lowest 10% in the country for deprivation which includes the Clem Attlee estate. This position is likely to have changed since 2019 with the pandemic and cost of living crisis having an impact on household finances.

*Lower layer Super Output Areas (LSOAs) are a geographical area separation of similarly-sized household count and populations, comprising between 400 and 1,200 households and have a usually resident population between 1,000 and 3,000 persons. They are made of several Output Areas (OAs) and used for census statistics – more info can be found [here](#).

Indices of Deprivation 2019



Source: IoD 2019, Ministry of Housing, Communities & Local Government

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L.B. HAMMERSMITH & FULHAM License No. LA100019223 2019

1:28,000

The BI team has developed an index which ranks LSOAs using several indicators of vulnerability. The data points used in the index are listed below, with each point representing an equal weighting towards the overall index ranking of each LSOA.

This method shows areas of the north of the borough being in the most in need, with pockets of needs centred around other estates in the south.

Children and Families

- Lone parent households
- Households with dependent children in social rented housing
- Children in absolute low income
- Referrals for children's social care
- Referrals for Early Help
- Children in receipt of Free School Meals living in H&F or attending H&F schools

Employment

- Universal Credit
- Average Household Income
- Unemployed 16–24-year-olds

Crime

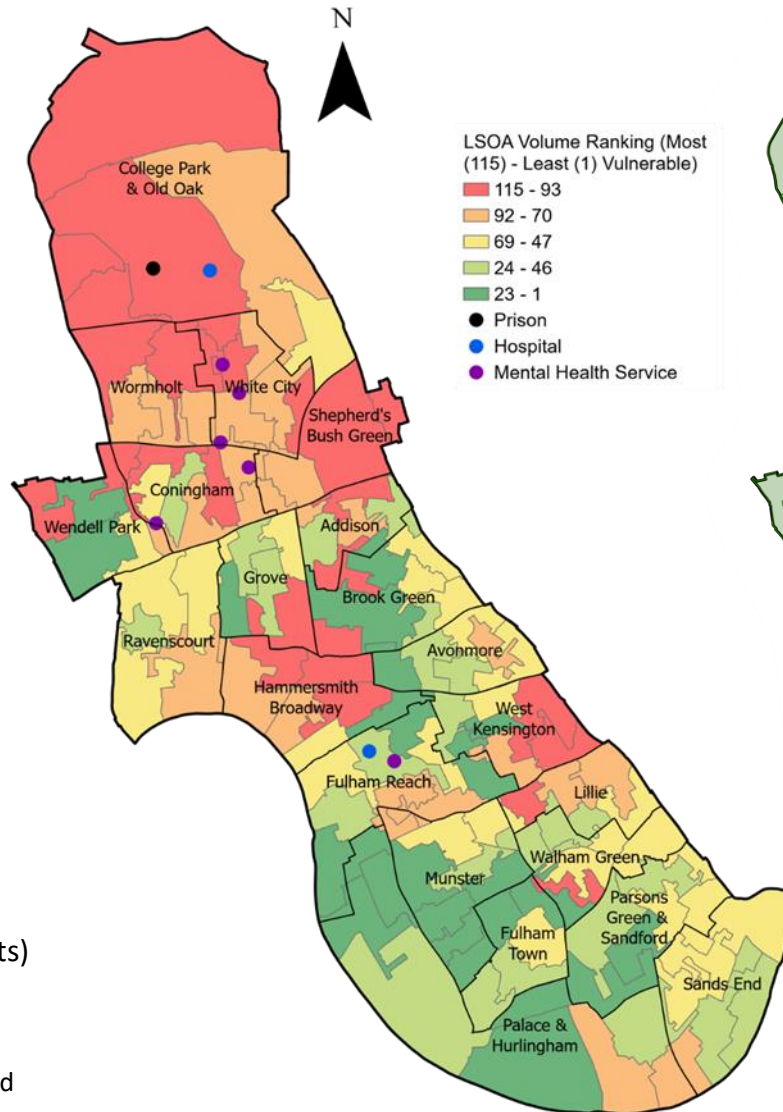
- Domestic Abuse Offences
- Anti-social Behaviour (ASB) Offences
- Total offences

Housing

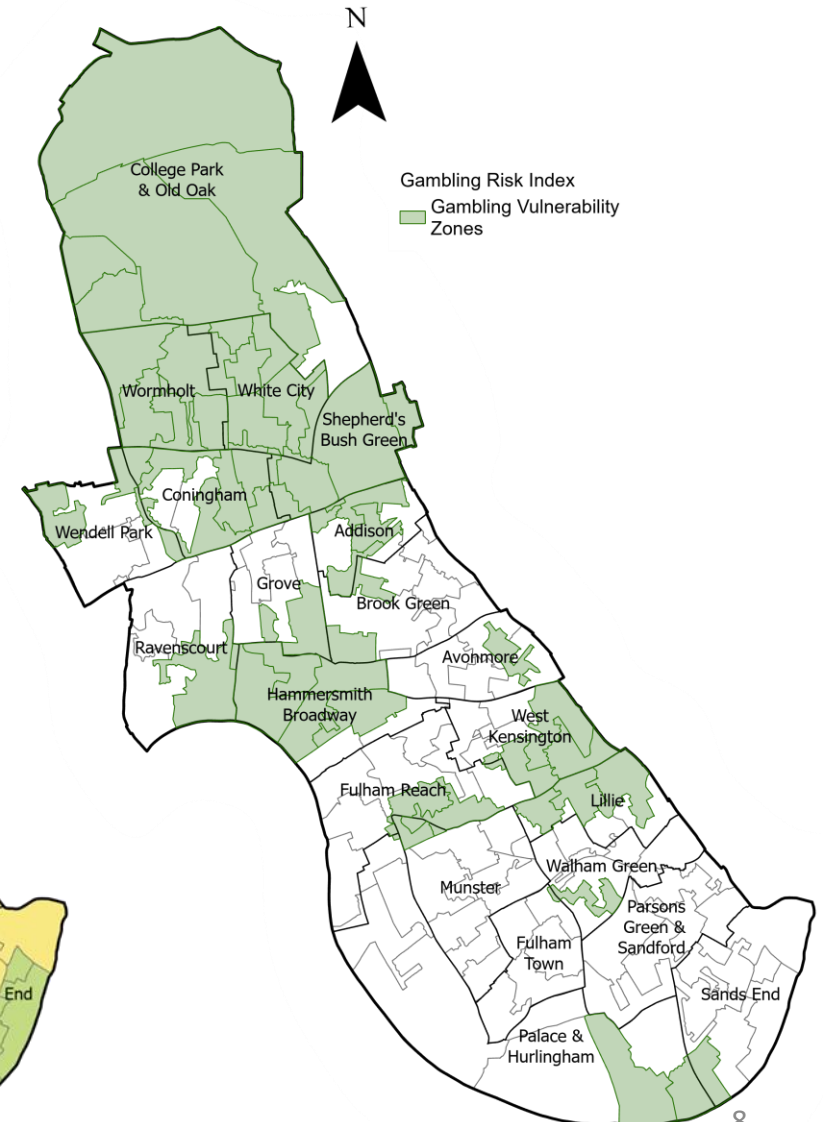
- Temporary Accommodation Properties
- Number of hostels
- Large Houses of Multiple Occupancy (HMOs with 5+ occupants)

*Note: There are no half-way houses present in the borough to be mapped

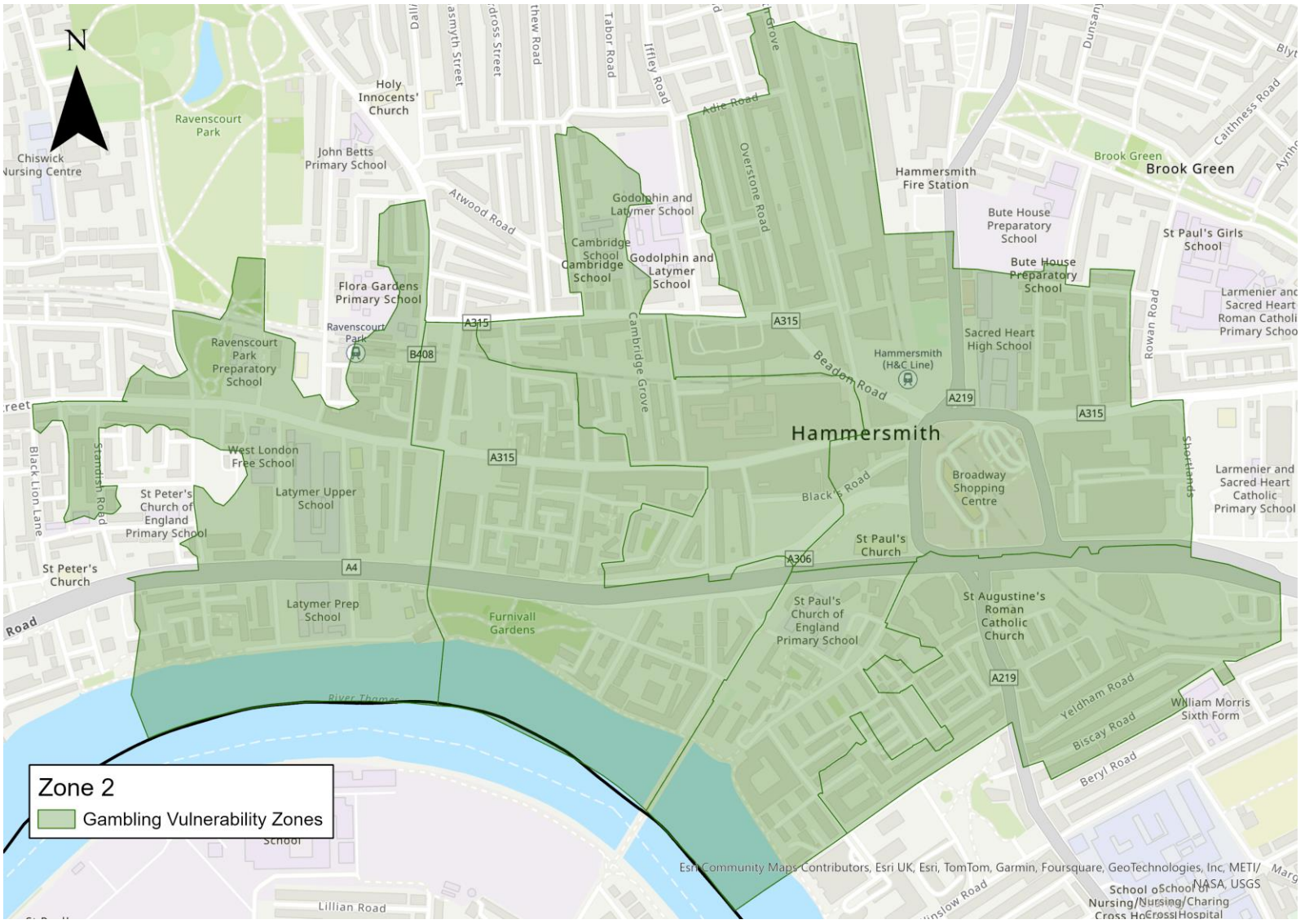
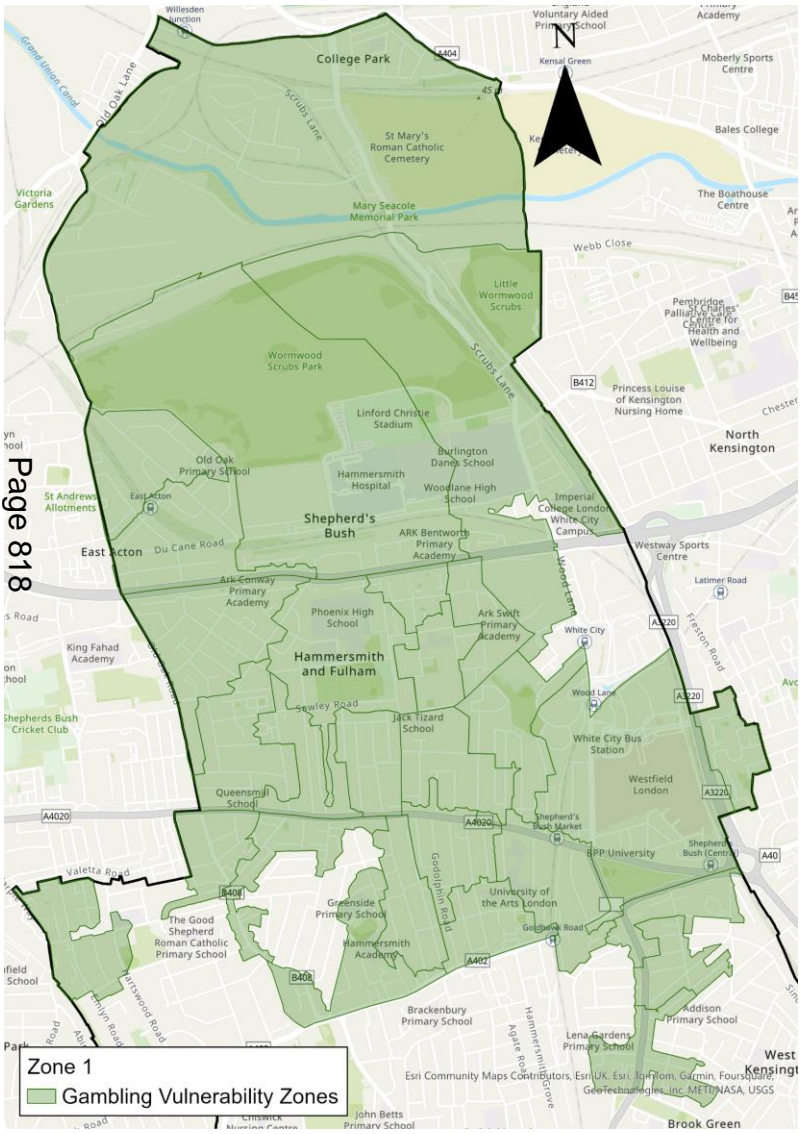
H&F Vulnerability Index*



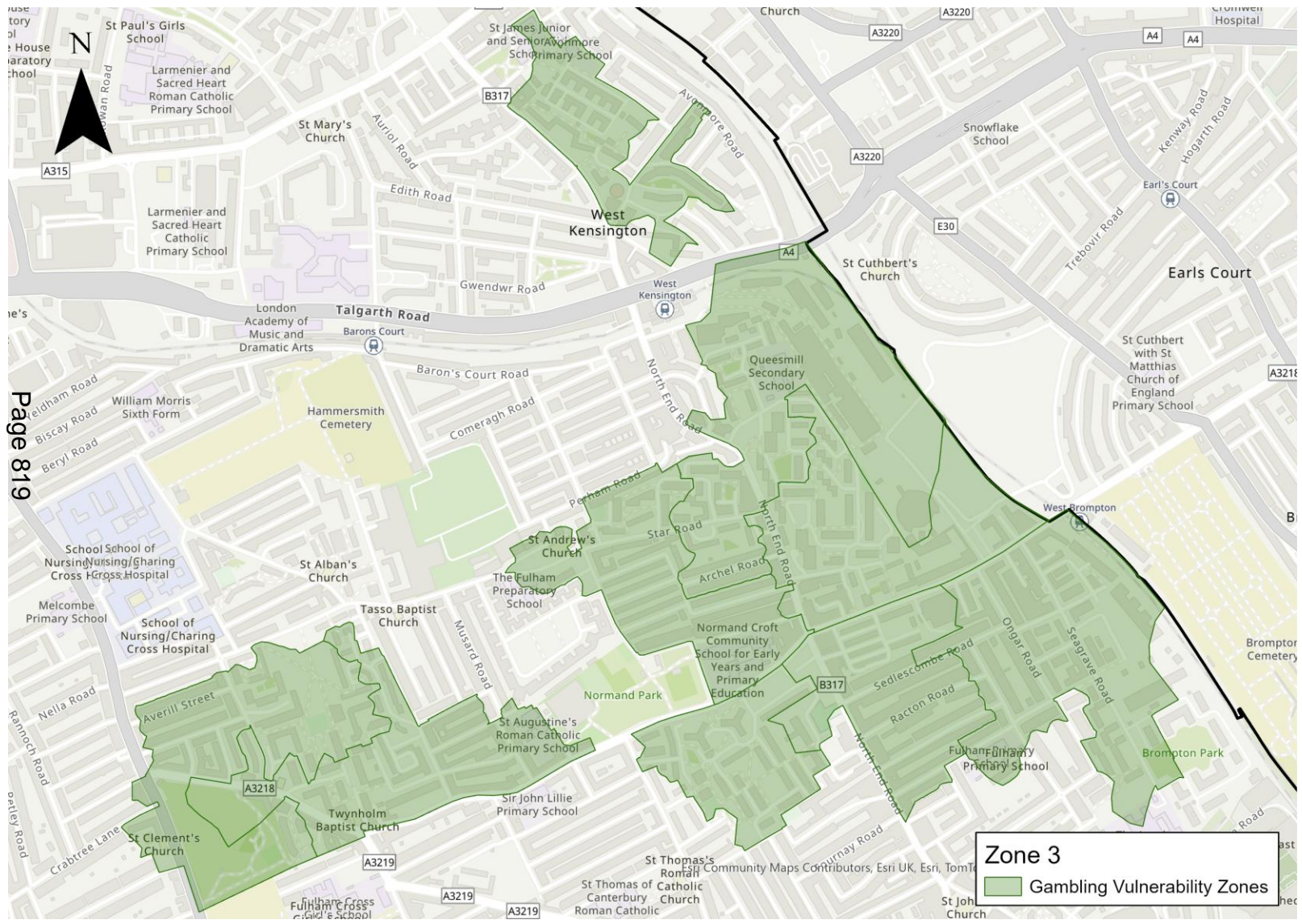
H&F Vulnerability Zones – top 40% (46) most vulnerable LSOAs



Vulnerability Zones – Detailed Views



Vulnerability Zones – Detailed Views



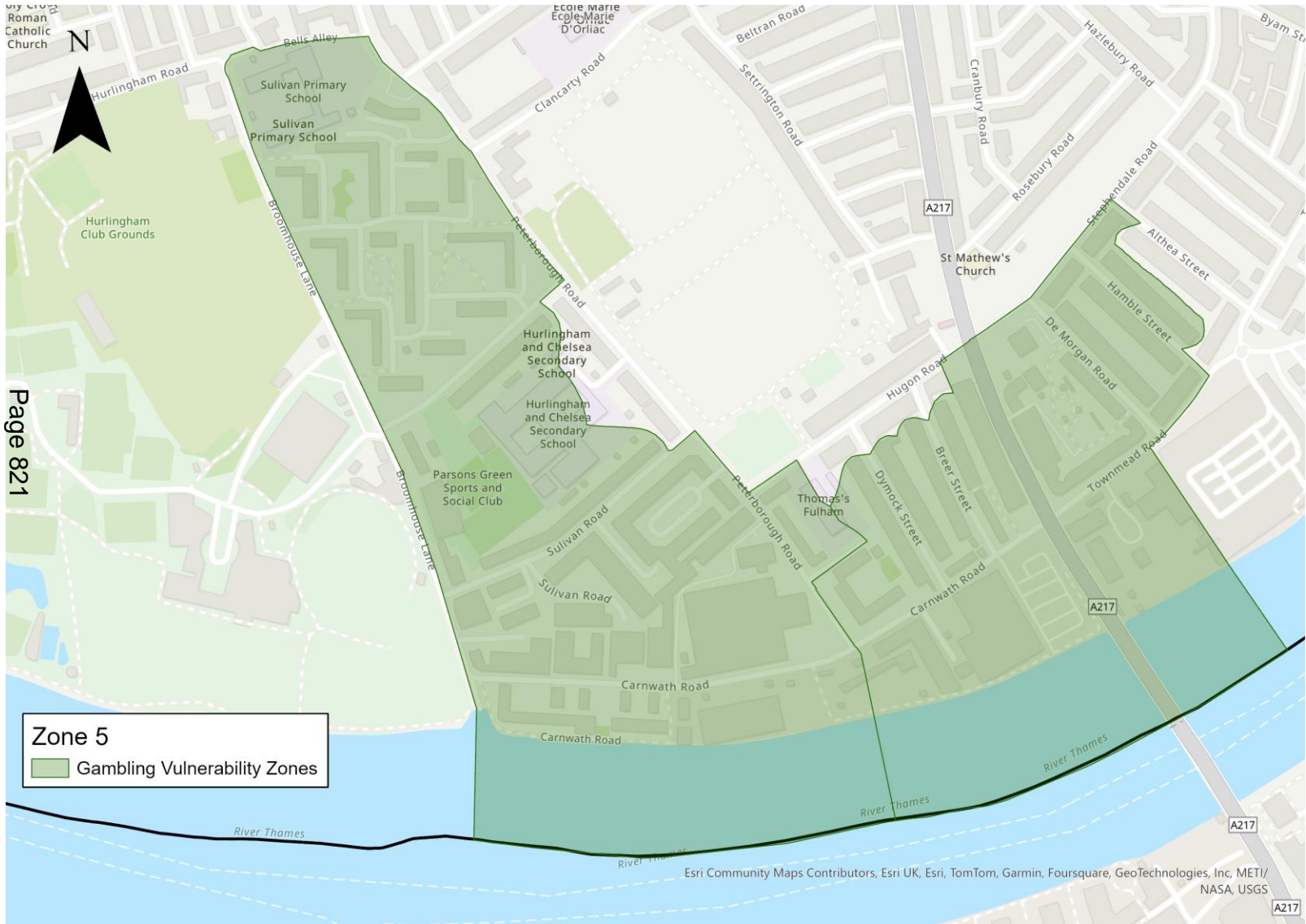
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Vulnerability Zones – Detailed Views



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Vulnerability Zones – Detailed Views



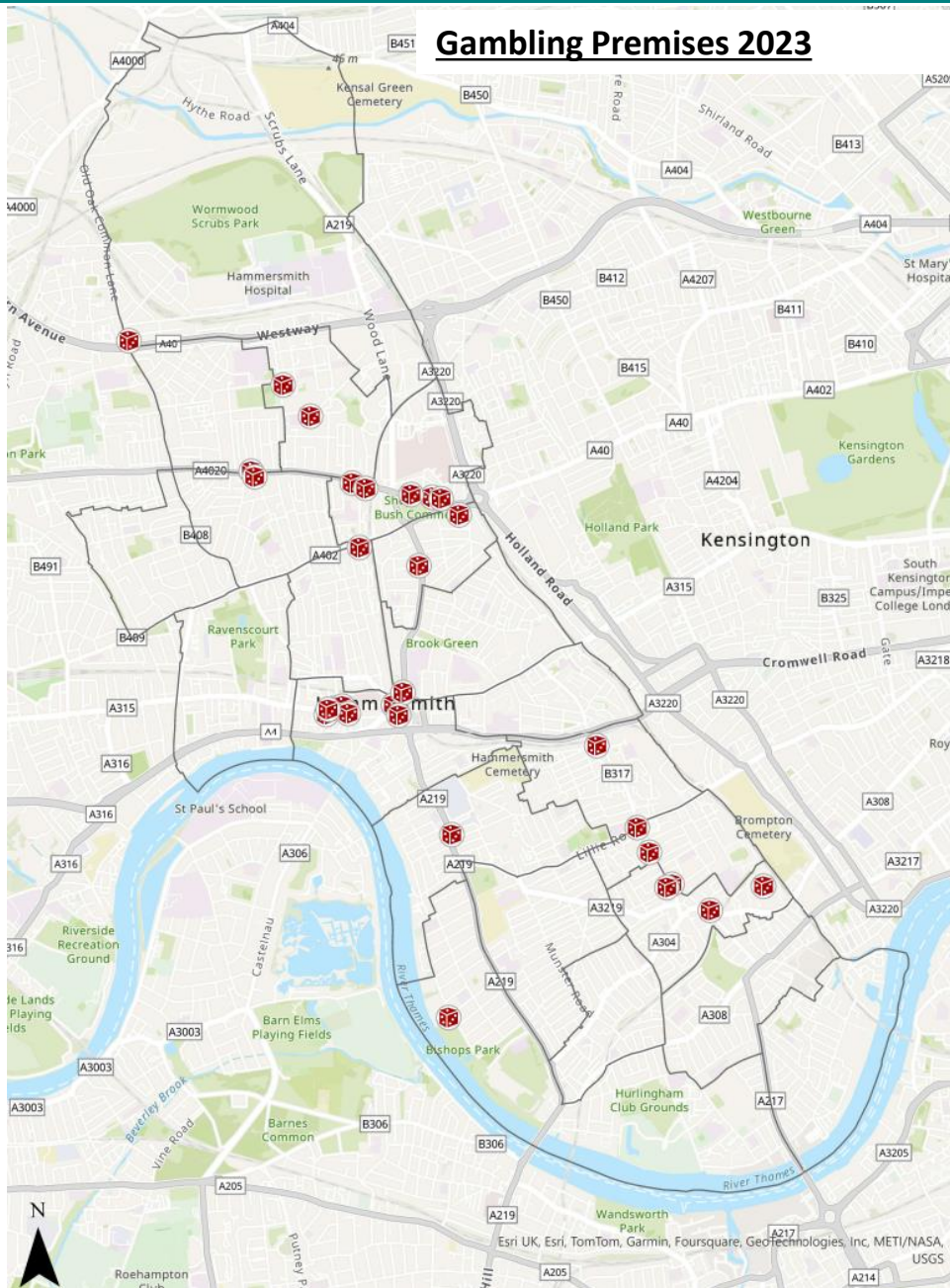
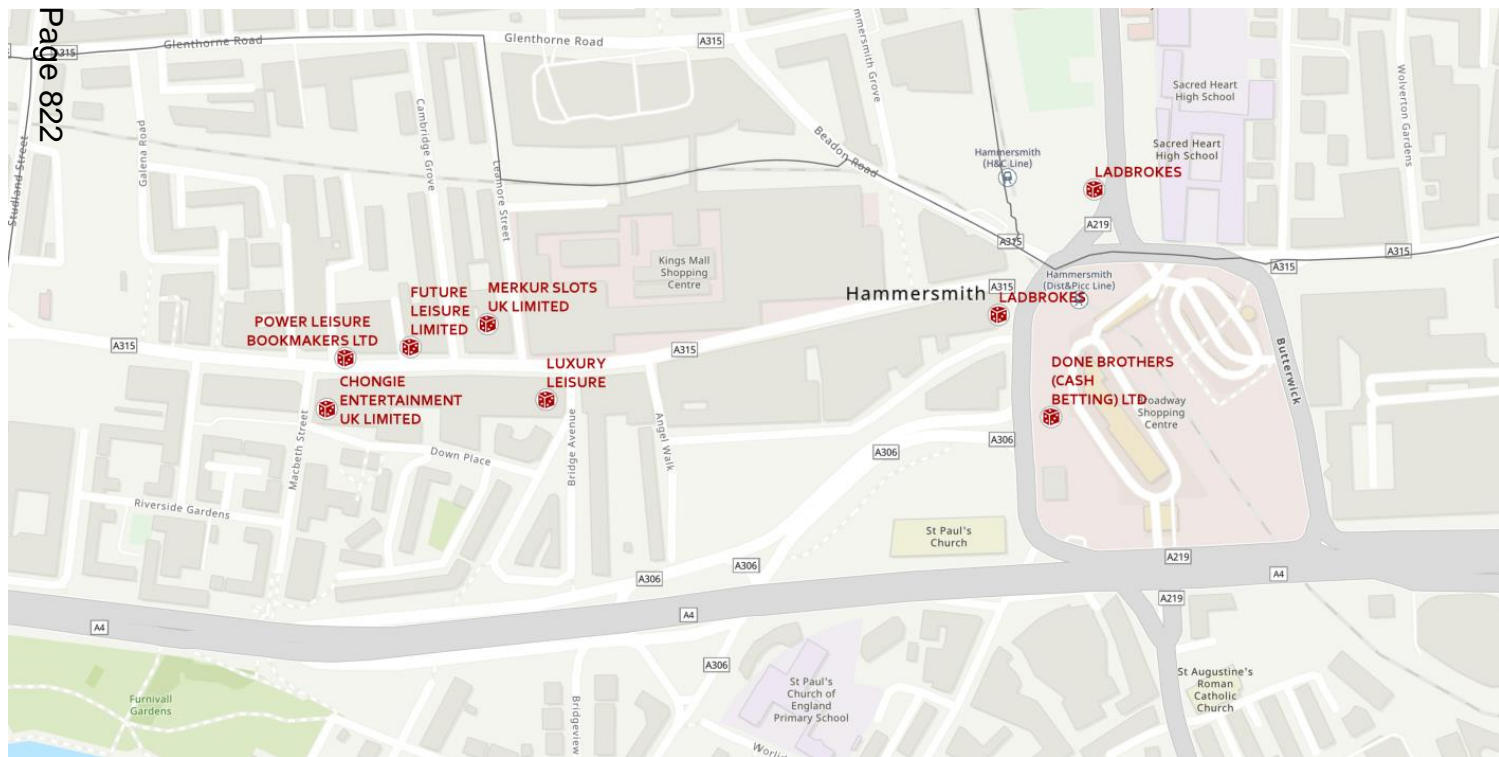
Location of Gambling Premises

Gambling Premises

In July 2024, there were 30 licenced gambling premises in the borough. This includes 3 adult gaming centres, 21 betting premises, 3 bingo premises and 3 football clubs with a betting licences (Chelsea, Queen’s Park Rangers and Fulham Footfall Clubs). There has been little change in the number of licensed premises in the last year, a small fall of one premise from 2023.

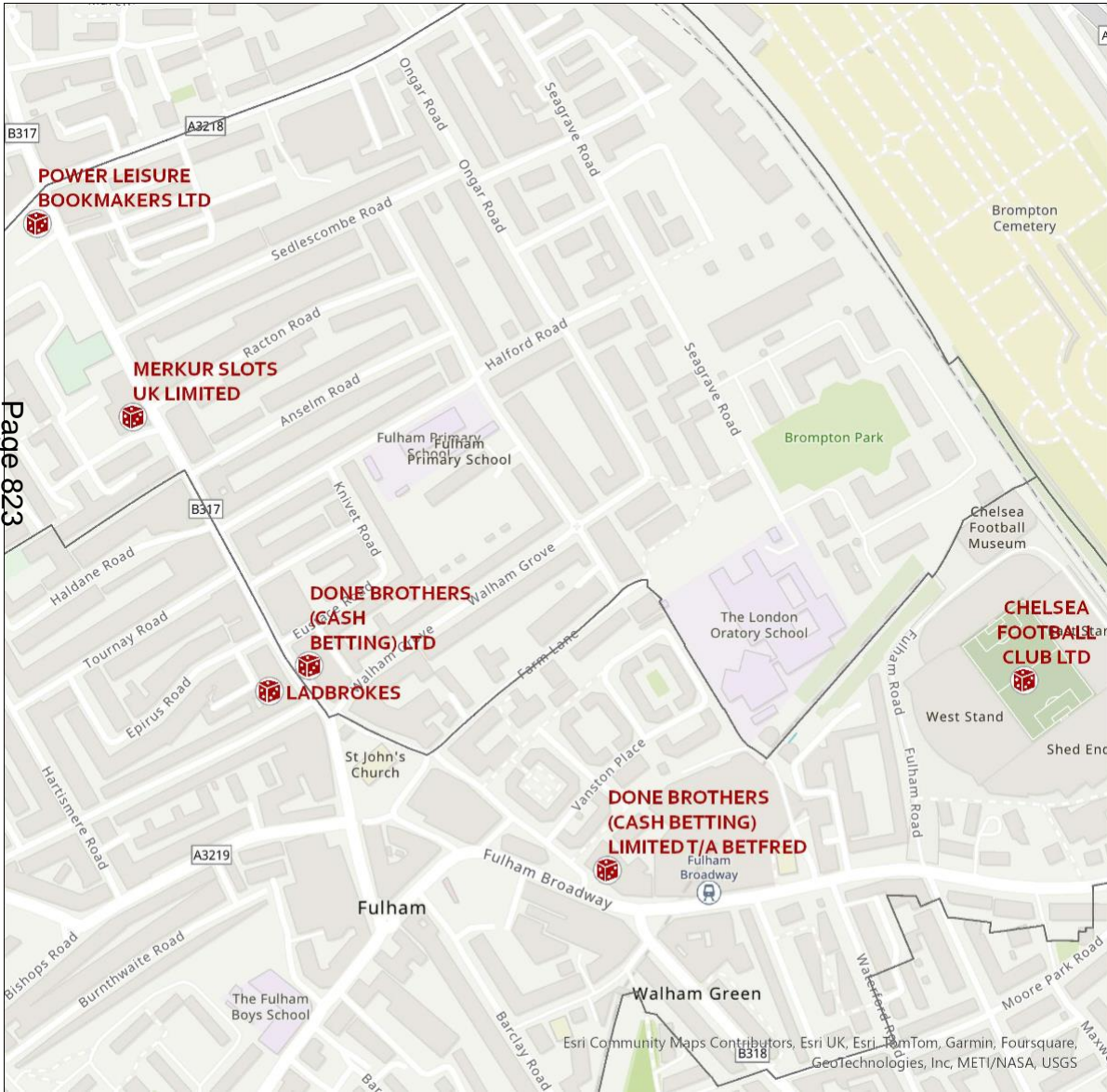
Premises are concentrated around key transport hubs and highstreets in Shepherd’s Bush and Hammersmith – with a concentration on King Street. More detailed maps can be found on subsequent pages.

Hammersmith Gambling Premises



Location of Gambling Premises

Fulham Gambling Premises



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Shepherd's Bush Gambling Premises



Esri Community Maps Contributors, Esri UK, Esri, TomTom, Garmin, Foursquare, GeoTechnologies, Inc, METI/NASA, USGS

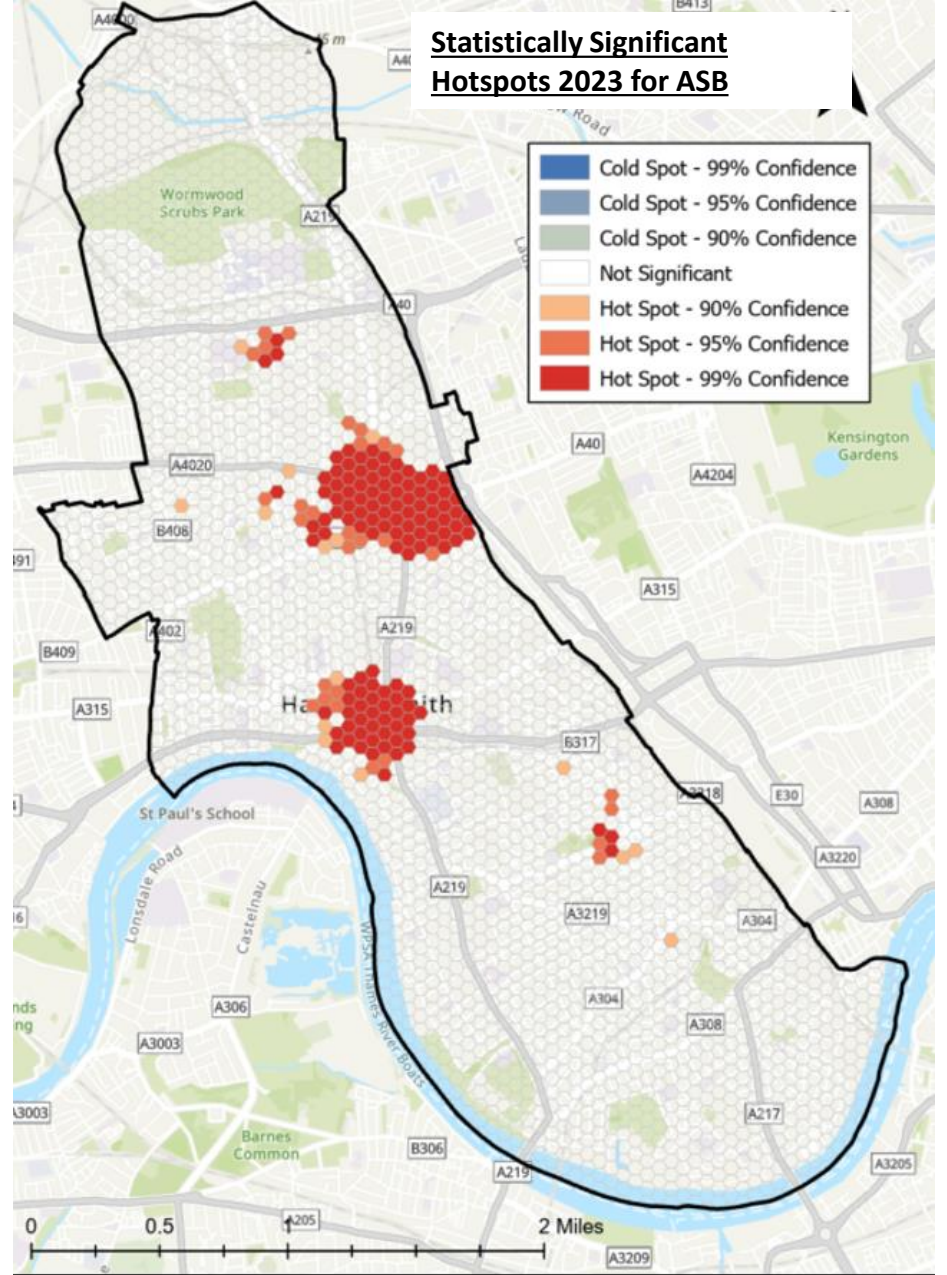
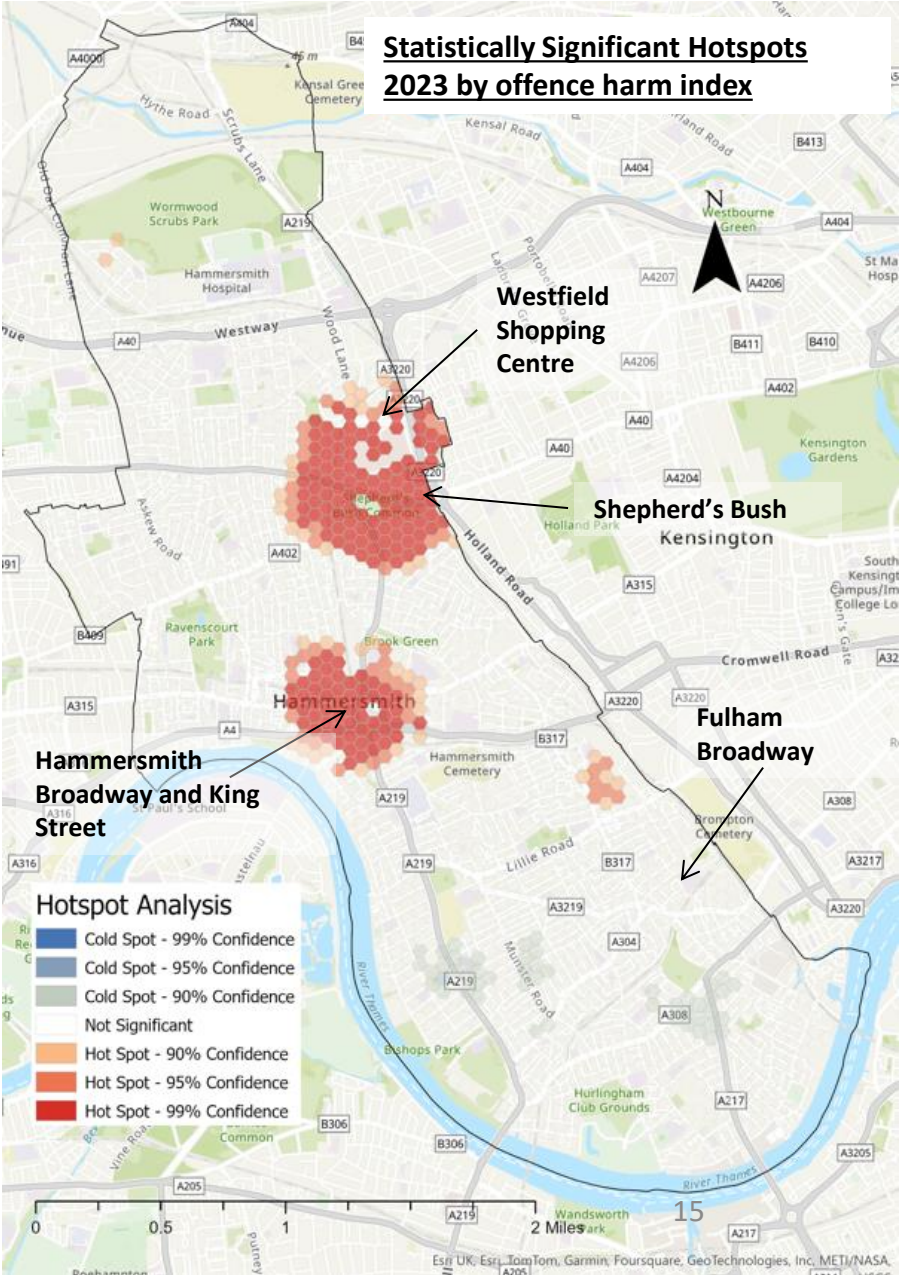
All Crime and ASB

Crime and ASB

Offences have grown by 10% in Hammersmith and Fulham in the last year 2022 to 2023 as crime levels return to a level closer to that seen before the pandemic, total offences are still 6% below those in 2019. Most crime types remain below the levels observed in 2019. London overall saw an increase of 6% in 2023 compared to 2022.

Shepherd's Bush and Hammersmith Broadway remain the areas with the highest level of crime (26% of all in H&F). The largest increase has been seen in **Shepherd's Bush Green** with +17% increase, mainly in theft offences but also in robbery, violence without injury. In the London context, a small area around Shepherd's Bush Green ranks 11th of five thousand small areas in the whole of London with a rate of the equivalent of 1 offence for everyone resident in the borough in the year. **Hammersmith Broadway** has seen a smaller increase of +5%, mainly theft and drugs but there has been a reduction in vehicle offences in the area.

Crime is strongly linked to footfall, and areas with higher footfall have higher levels of crime. Most licensed gambling premises are in areas of higher crime and ASB.



The crime data used to indicate the number of offences that occurred in gambling premises is based on the committed date of crime. The data includes only those offences that took place in the premises and does not include those that happened outside of it.

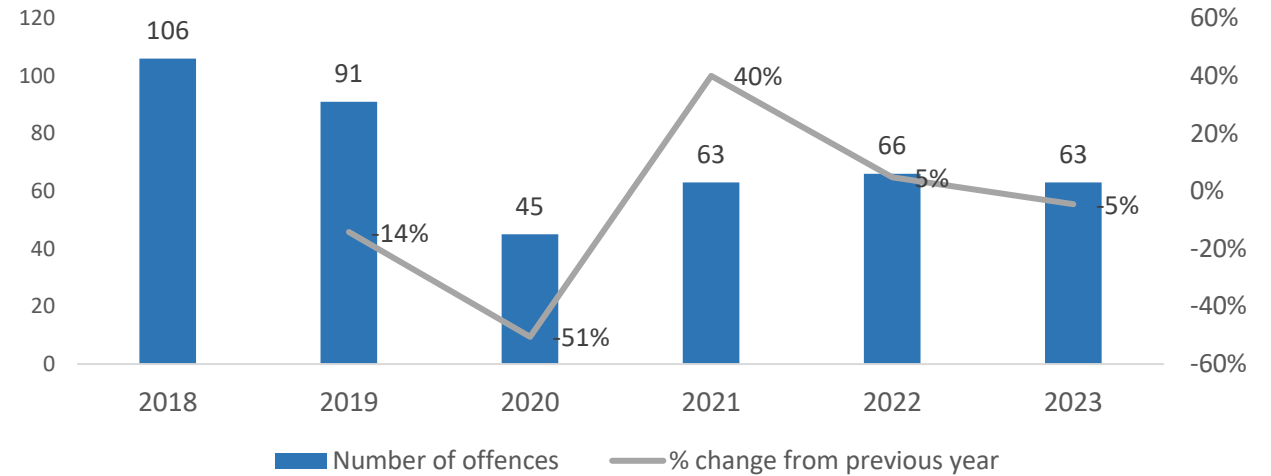
The crime data used for this analysis was provided by the Police and the offences that took place in gambling premises were searched manually using the names of the premises from the list with active licences, as well as words containing the word “bet”.

Analysis is based on a 24-month period between January 2022 and December 2023, however previous years have also been included to provide an insight into how the number of offences taking place in gambling premises has changed over last few years.

2020 saw a decrease in the number of offences that took place in gambling premises. This is likely linked to the lockdowns due to the Coronavirus pandemic that resulted in the closure of many local shops, including betting shops. The number of offences has increased since then, but it has not reached the pre-pandemic levels.

The most common crime types that occurred in the premises include Criminal Damage, Theft, Public Order Offences, and Violence Against the Person and have remained the most common types for the past 6 years.

Number of offences in gambling premises between 2018 - 2023



Crime Section	2018	2019	2020	2021	2022	2023
Criminal Damage	31	17	8	16	17	12
Burglary	2	3		1	3	1
Drug Offences	2		1	4	4	4
Miscellaneous Crimes Against Society	1		2		1	3
Possession of Weapons	2					
Public Order Offences	24	20	11	13	17	15
Robbery	4	4	2	4	2	3
Theft	15	22	15	13	11	13
Vehicle Offences	2					1
Violence Against the Person	23	25	6	12	11	11
Grand Total	106	91	45	63	66	63

Crime Analysis – Gambling Premises

Crime and ASB

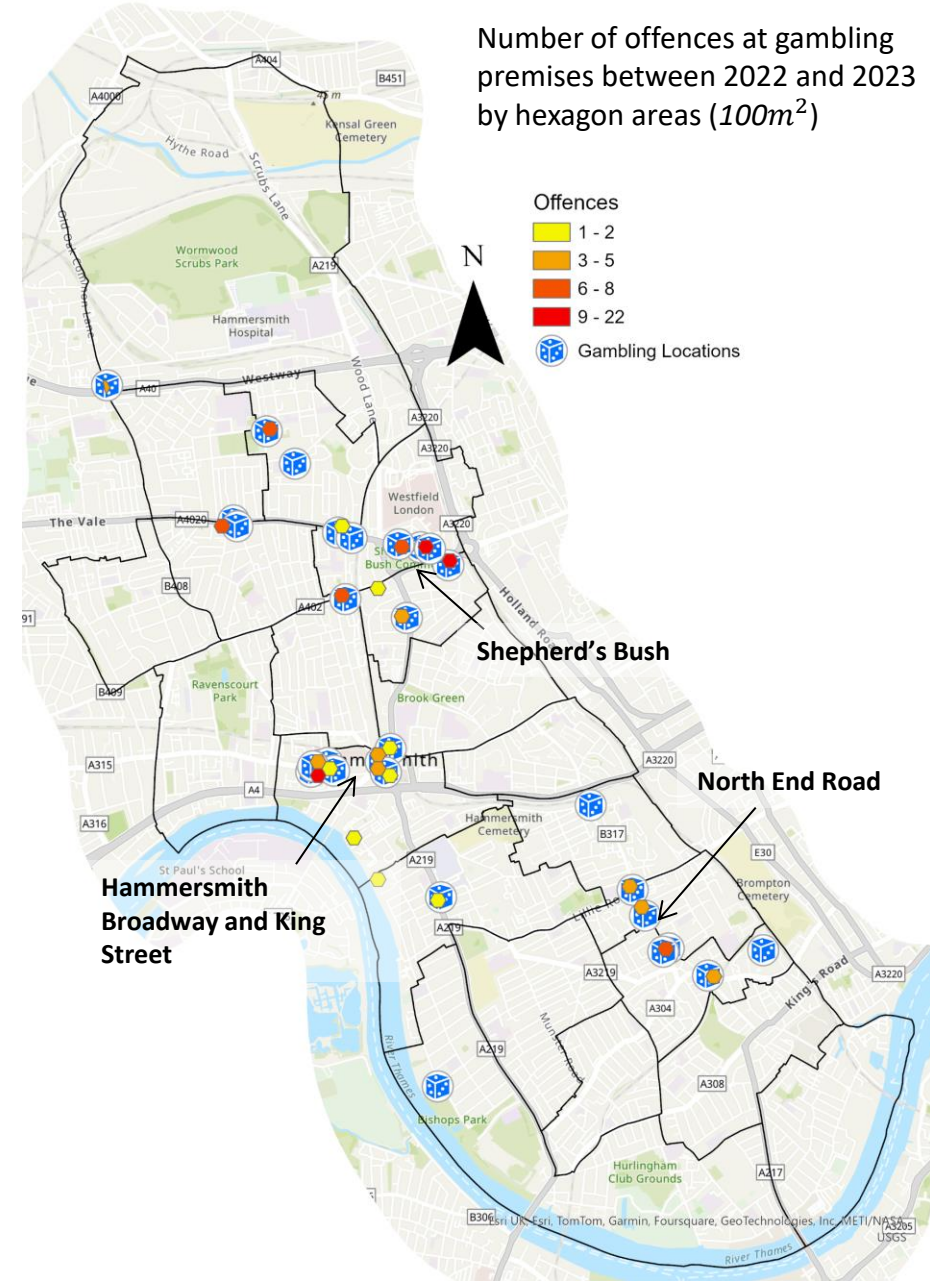
In the period between January 2022 and December 2023 there were 129 offences that took place in betting shops, with Public Order Offences accounting for 25% and Criminal Damage for 22% of all offences. The third highest crime type is “Theft” which makes up 19% of all offences. Other crime types and further breakdown of crimes are included in the table below.

The map on the right shows all gambling premises with active licences across the borough, with the hexagons showing the number of offences that took place in the period from January 2022 to December 2023. The highest number of offences relating to a gambling premises was found for Shepherd’s Bush Green (31) and Hammersmith Broadway (30).

The hotspots include:

- **Shepherd’s Bush Common**
- **King Street**
- **North End Road**

Offence type	Number of offences	Percentage
Arson and Criminal Damage	29	22%
Criminal Damage	29	100%
Burglary	4	3%
Burglary Business and Community	3	75%
Domestic Burglary	1	25%
Drug Offences	8	6%
Drug Trafficking	1	13%
Possession of Drugs	7	88%
Miscellaneous Crimes Against Society	4	3%
Public Order Offences	32	25%
Public Fear Alarm or Distress	28	88%
Race or Religious Agg Public Fear	4	13%
Robbery	5	4%
Robbery of Personal Property	5	100%
Theft	24	19%
Bicycle Theft	8	33%
Other Theft	14	58%
Theft from Person	2	8%
Vehicle Offences	1	1%
Theft from a Motor Vehicle	1	100%
Violence Against the Person	22	17%
Violence with Injury	8	36%
Violence without Injury	14	64%
Grand Total	129	100%

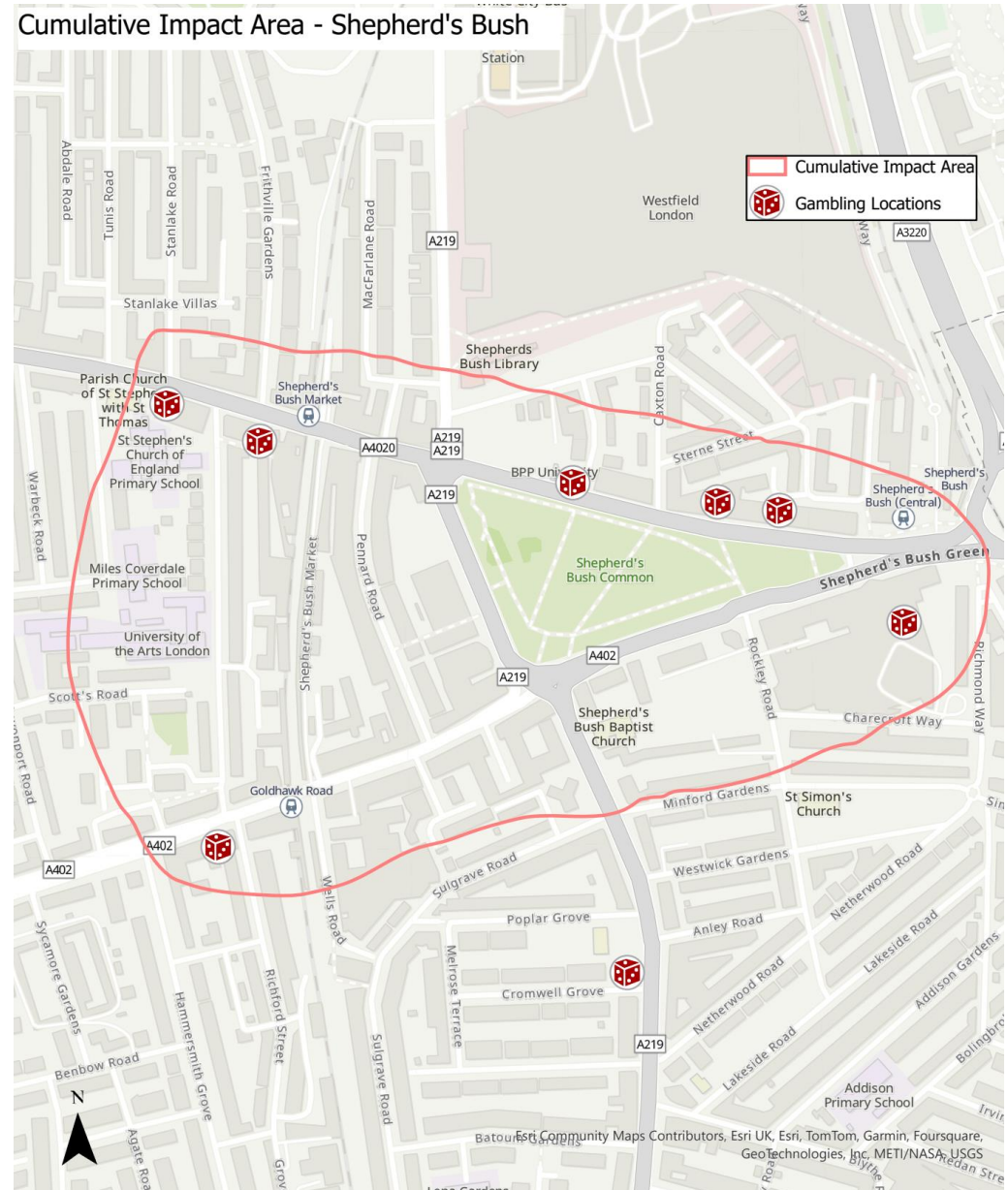


Cumulative Impact Areas

The proposed cumulative impact areas outlined on the following pages identify a clustering of gambling premises in three areas of the borough. It is the Council's view that the number and density of gambling premises in these designated zones is currently undermining one or more of the following licensing objectives:

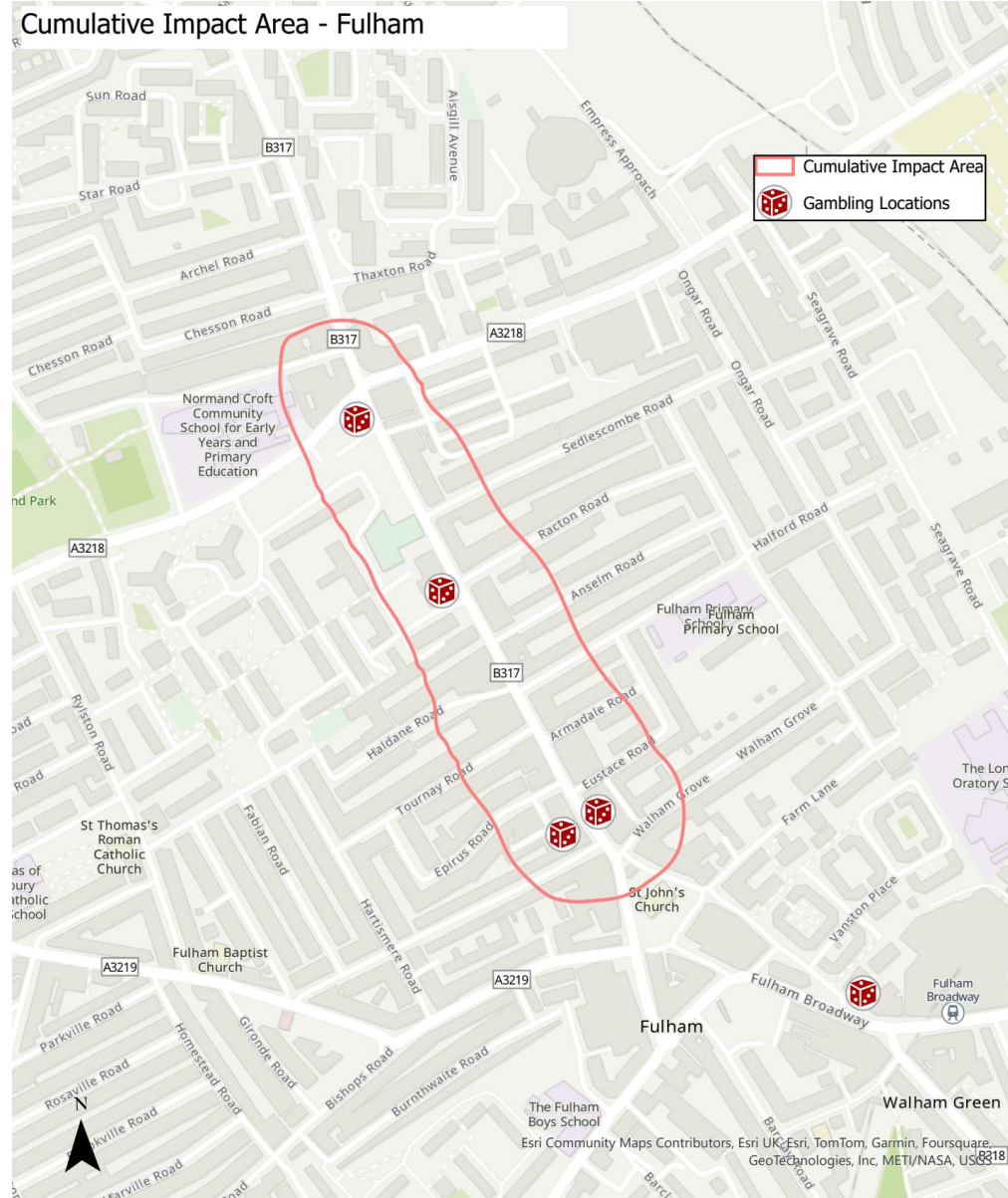
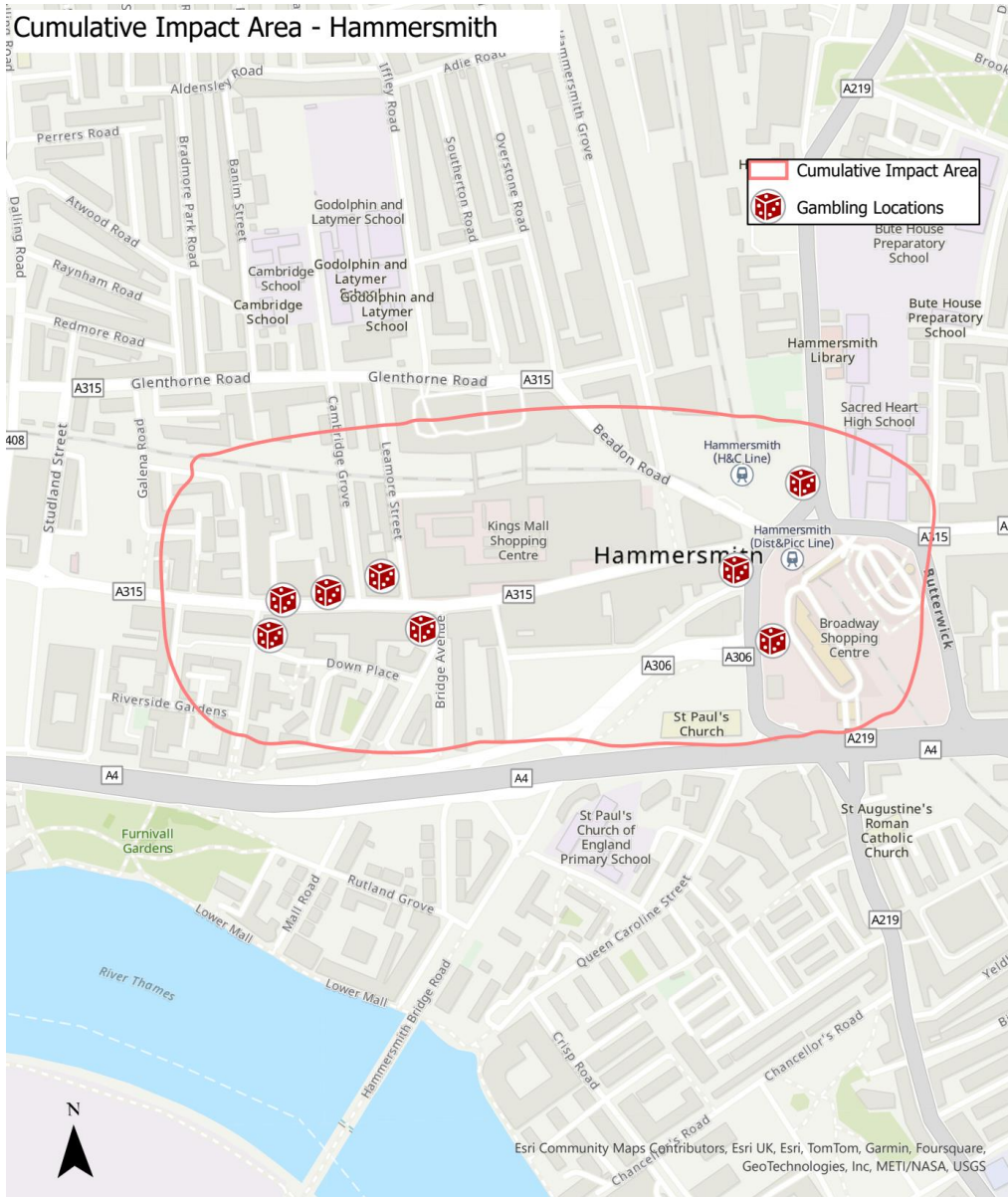
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- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable people from being harmed or exploited by gambling.



Cumulative Impact Areas

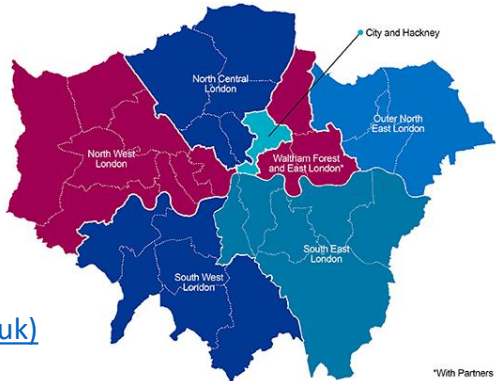
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Drugs and Alcohol

Data on A&E and UCC (Urgent Care Clinic) attendance for alcohol or drug-related issues is recorded by NHS groups known as Integrated Care Systems (ICS). An ICS aims to bring health and care organisations together to develop shared plans and joined-up services across several local authorities. Hammersmith and Fulham is part of the Northwest London ICS. More information can be found below:

[NW London ICS Location Map 2023.pdf \(nwlondonicb.nhs.uk\)](#)
[About Us: Northwest London ICS \(nwlondonicb.nhs.uk\)](#)

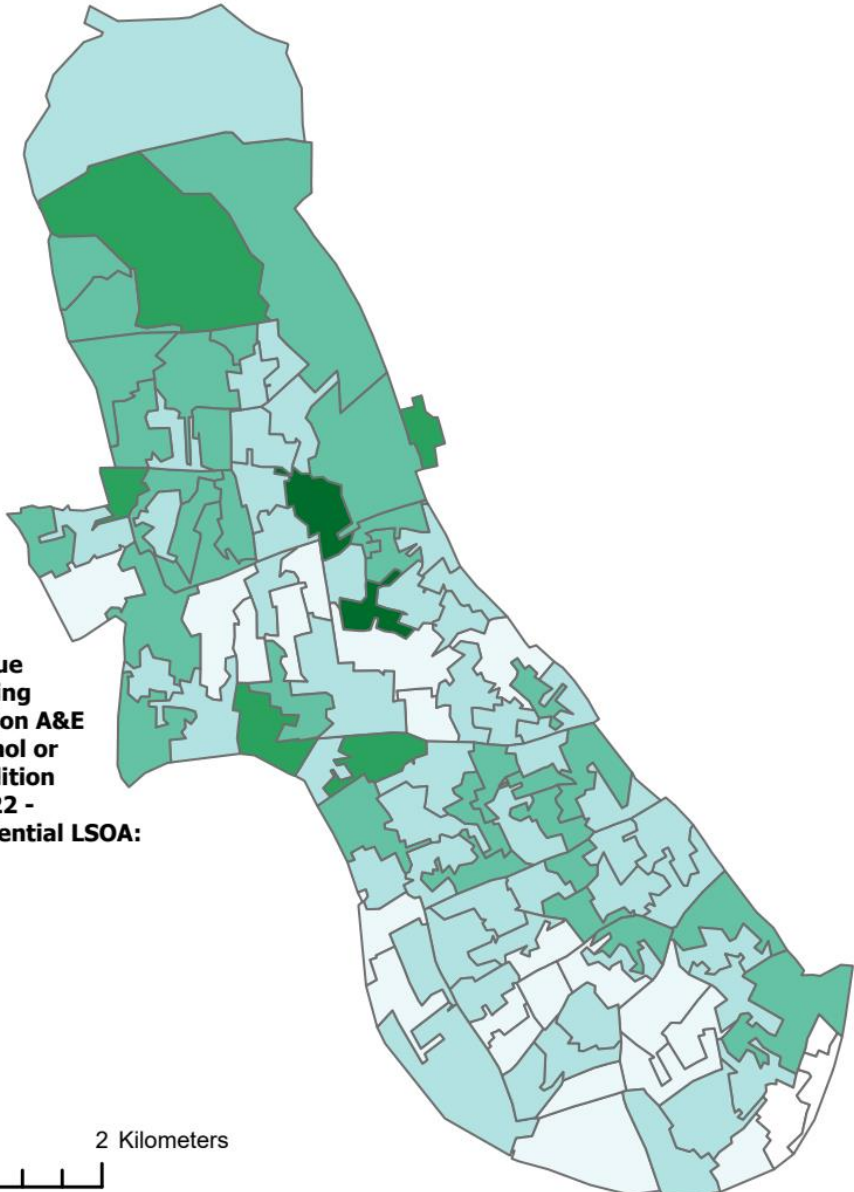


Of the unique Hammersmith & Fulham residents attending an A&E or UCC (Urgent Care Clinic) for an alcohol or drug-related condition between April 2021 and March 2024, whose GP practice at the time of the event matches their currently registered GP practice (as per latest NHS North-West London linked GP practice records), less than 2.5% have a residential address recorded in any other LSOA.

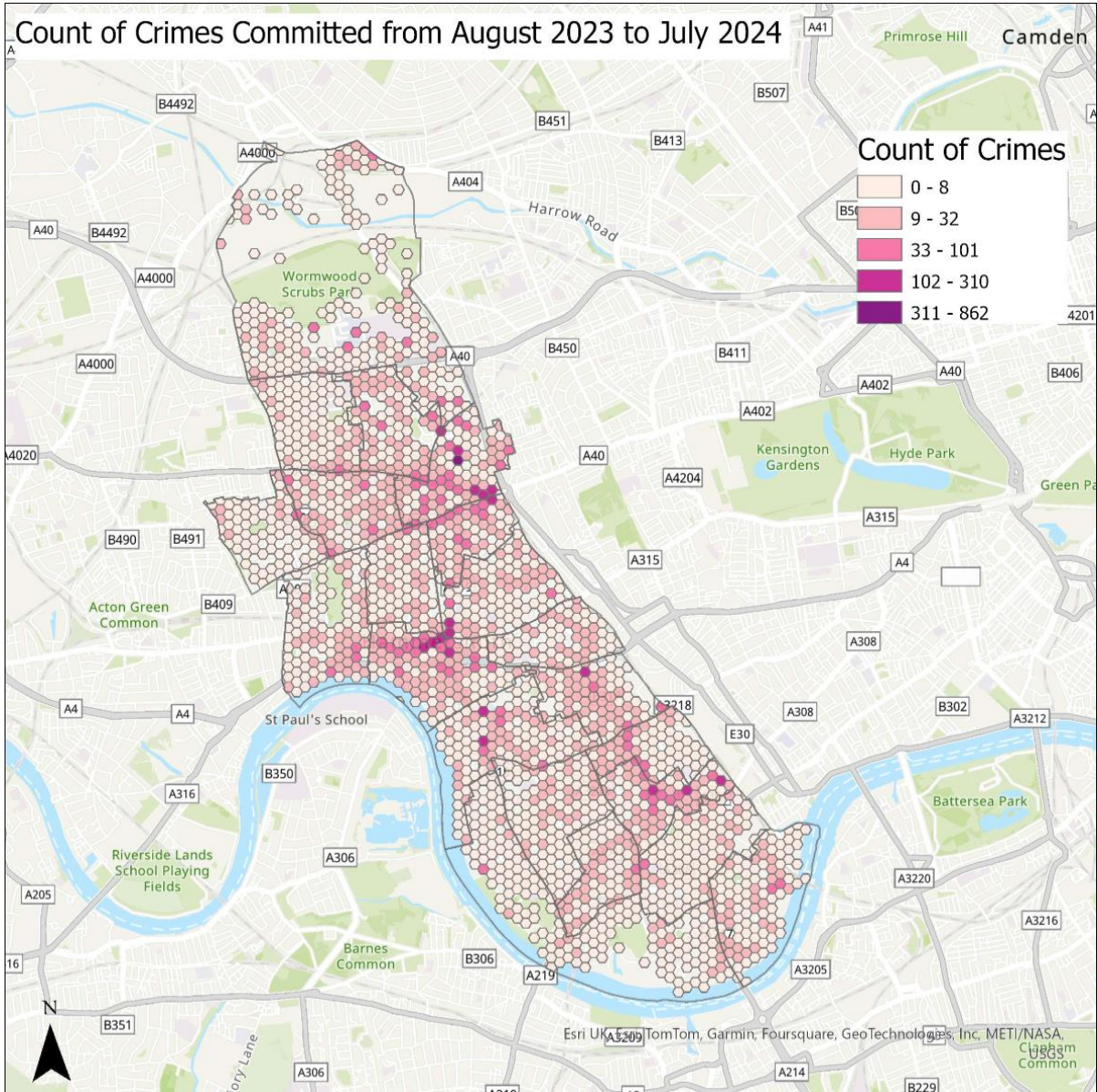
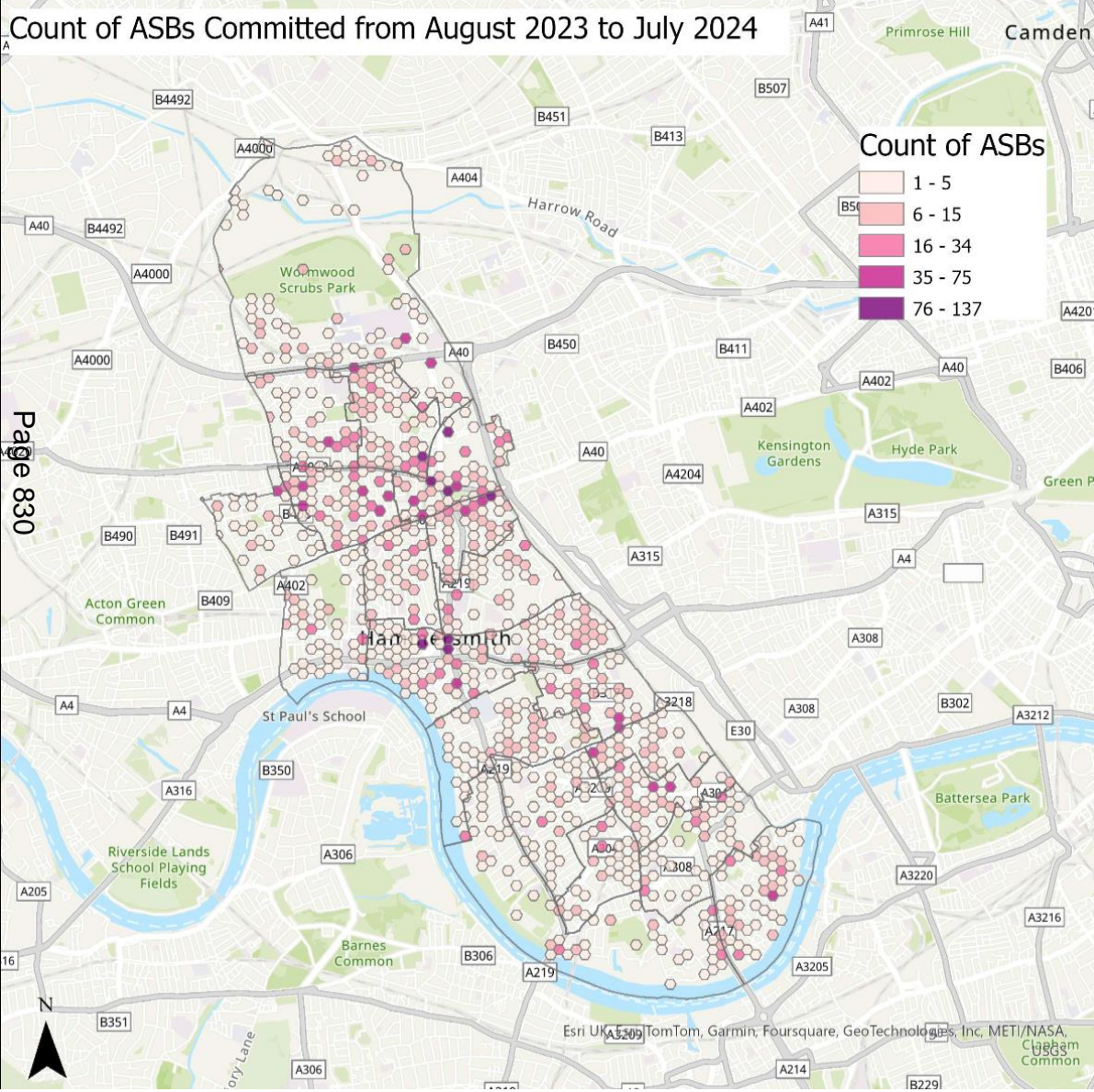
Nonetheless, the largest proportion of alcohol or drug-related A&E or UCC attendees were residents of an LSOA located in White City (2.3%) followed by an LSOA located in Addison. Furthermore, of the unique Hammersmith & Fulham residents attending an A&E or UCC for an alcohol or drug-related condition between 2021/22, 2022/23 and 2023/24, the largest proportion were residents of West Kensington (7.9%), followed by Conningham (7.6%), White City (7.4%), Wormholt (6.9%) and Munster (6.3%).

Similarities can be observed if comparing the map shown here (Hammersmith & Fulham residents attending a North-West London A&E or UCC for an alcohol or drug-related condition by residential LSOA) and the Indices of Deprivation-2019.

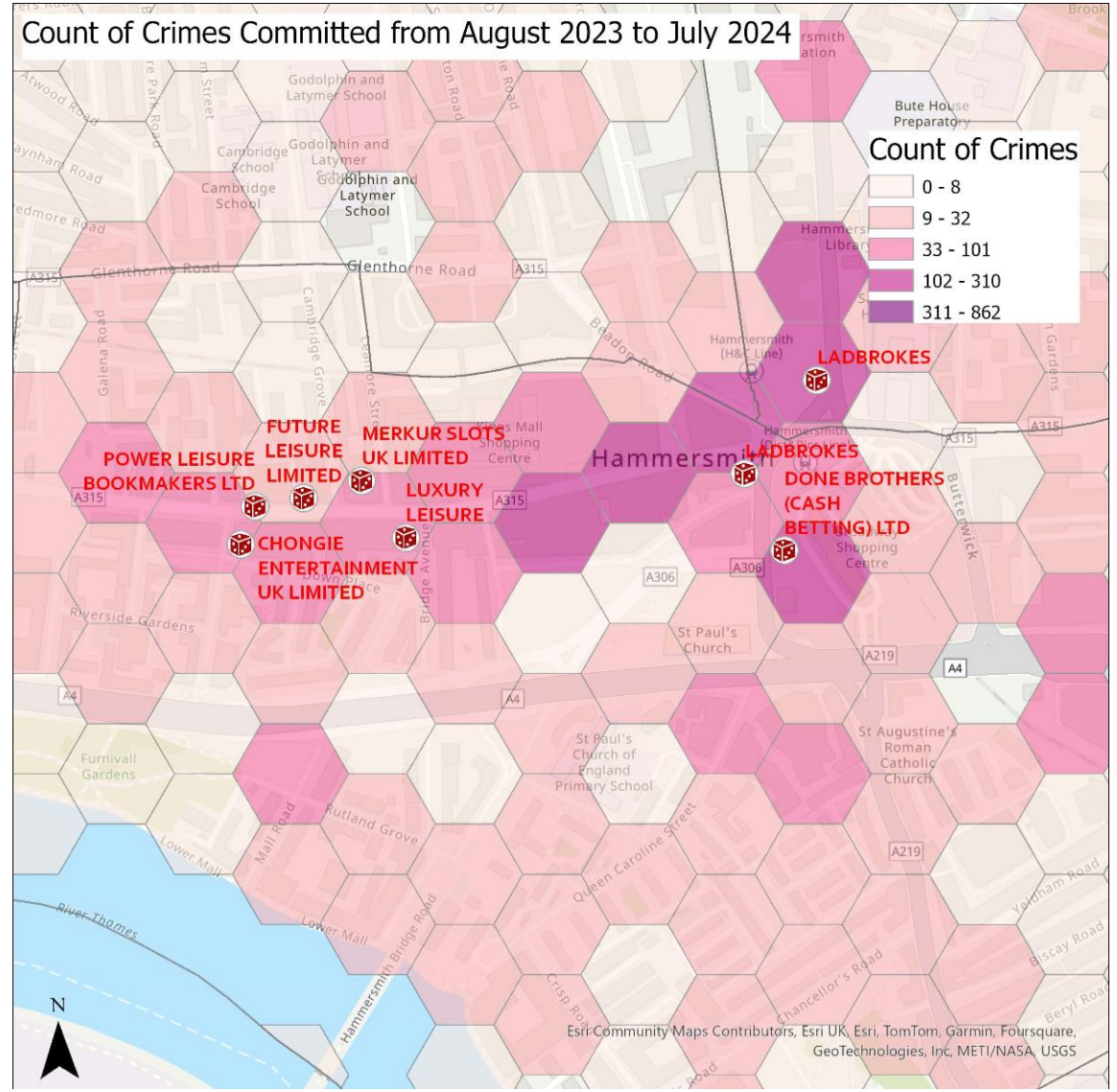
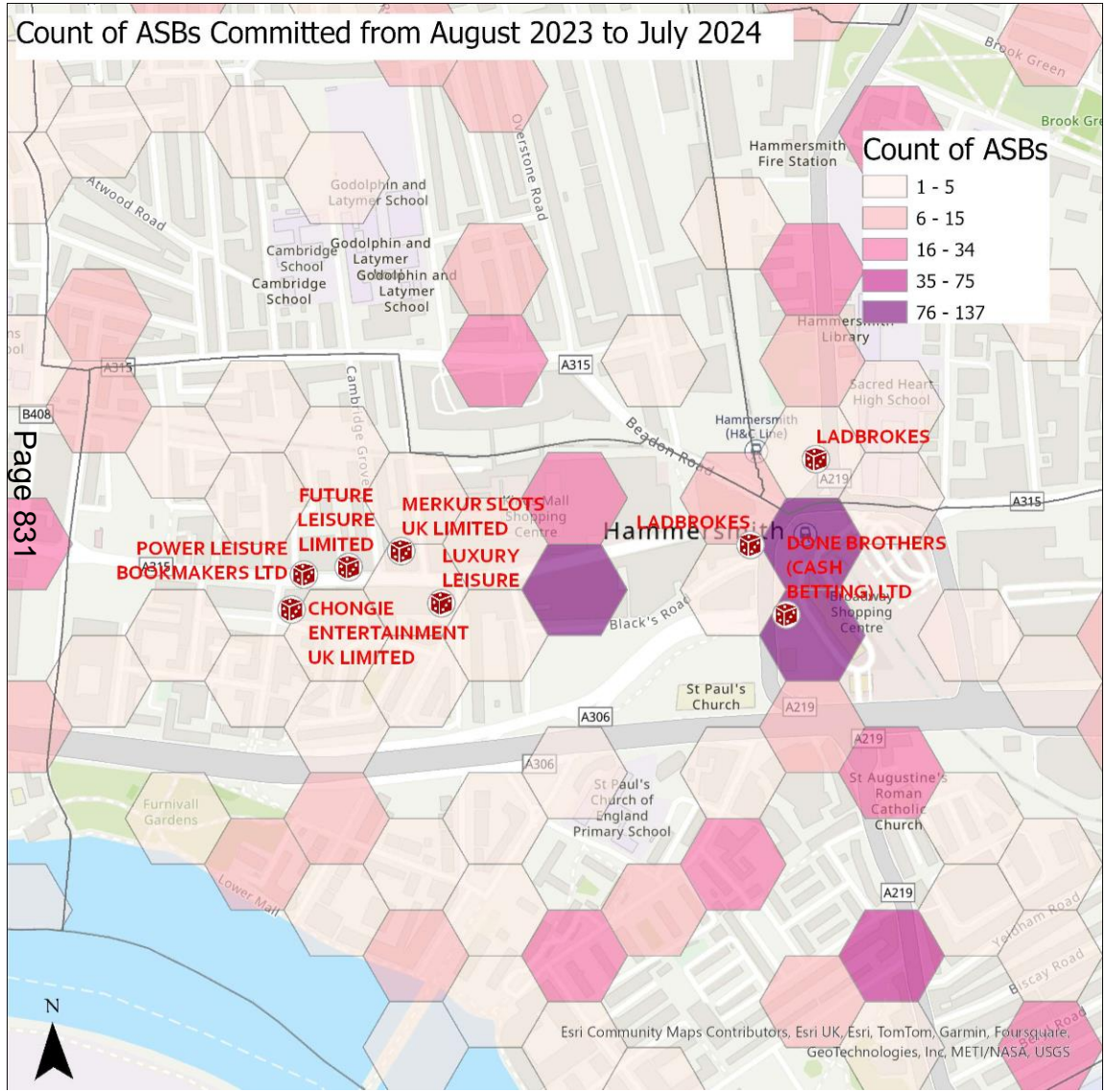
Unique individuals presenting to A&E or UCC with an alcohol or drug-related condition over the reported period (April 2021-March 2024). Data is reported only for individuals whose latest North-West London GP record matches that recorded at the time of the event (N=1,310) due to inability to definitively determine demographics pertaining to residential address at the time of the event, where GP linked records have subsequently changed. Source: North-West London Whole System Integrated Care De-Identified Emergency Care Dataset.



ASBs/Crimes Committed in H&F

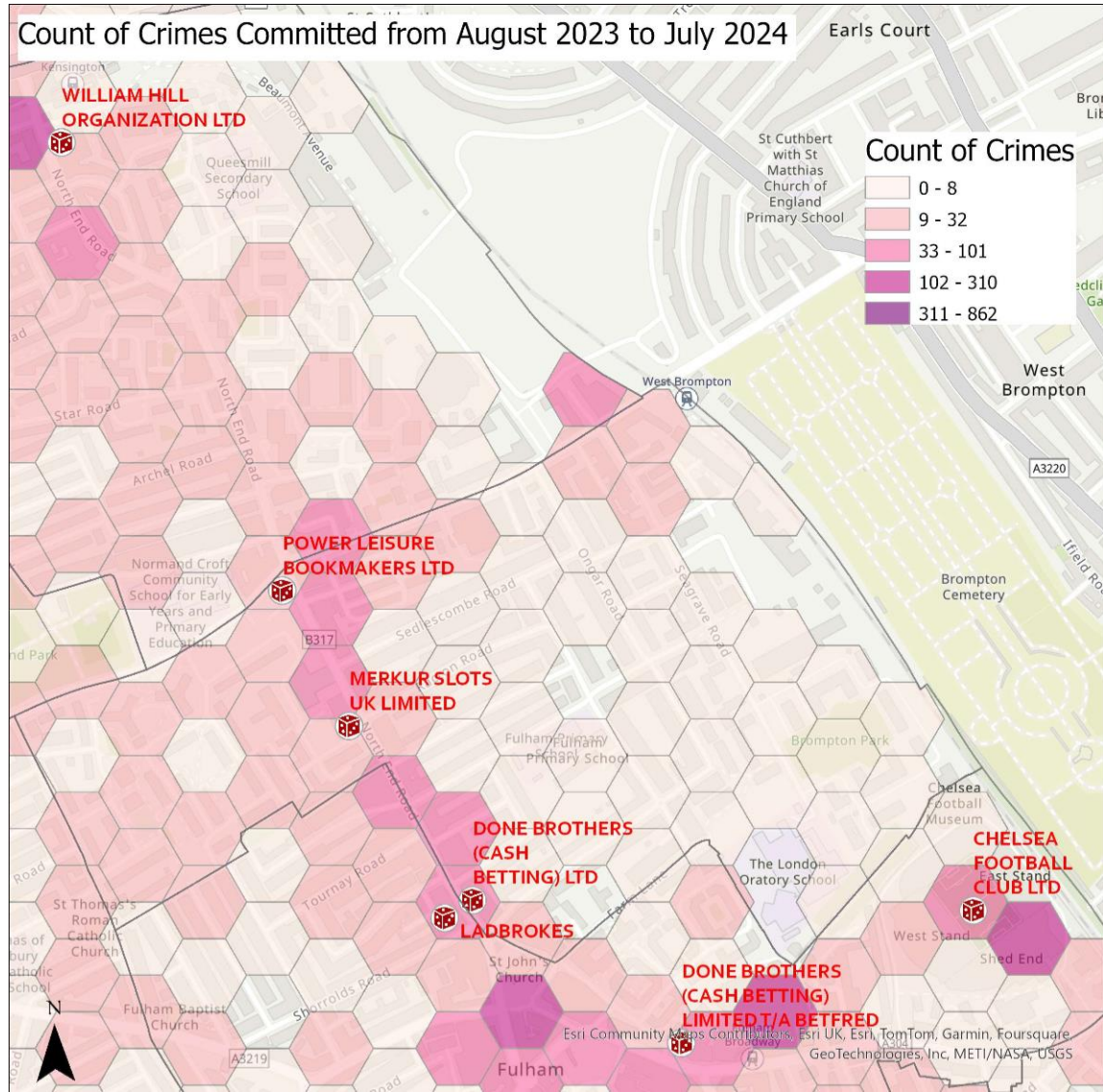
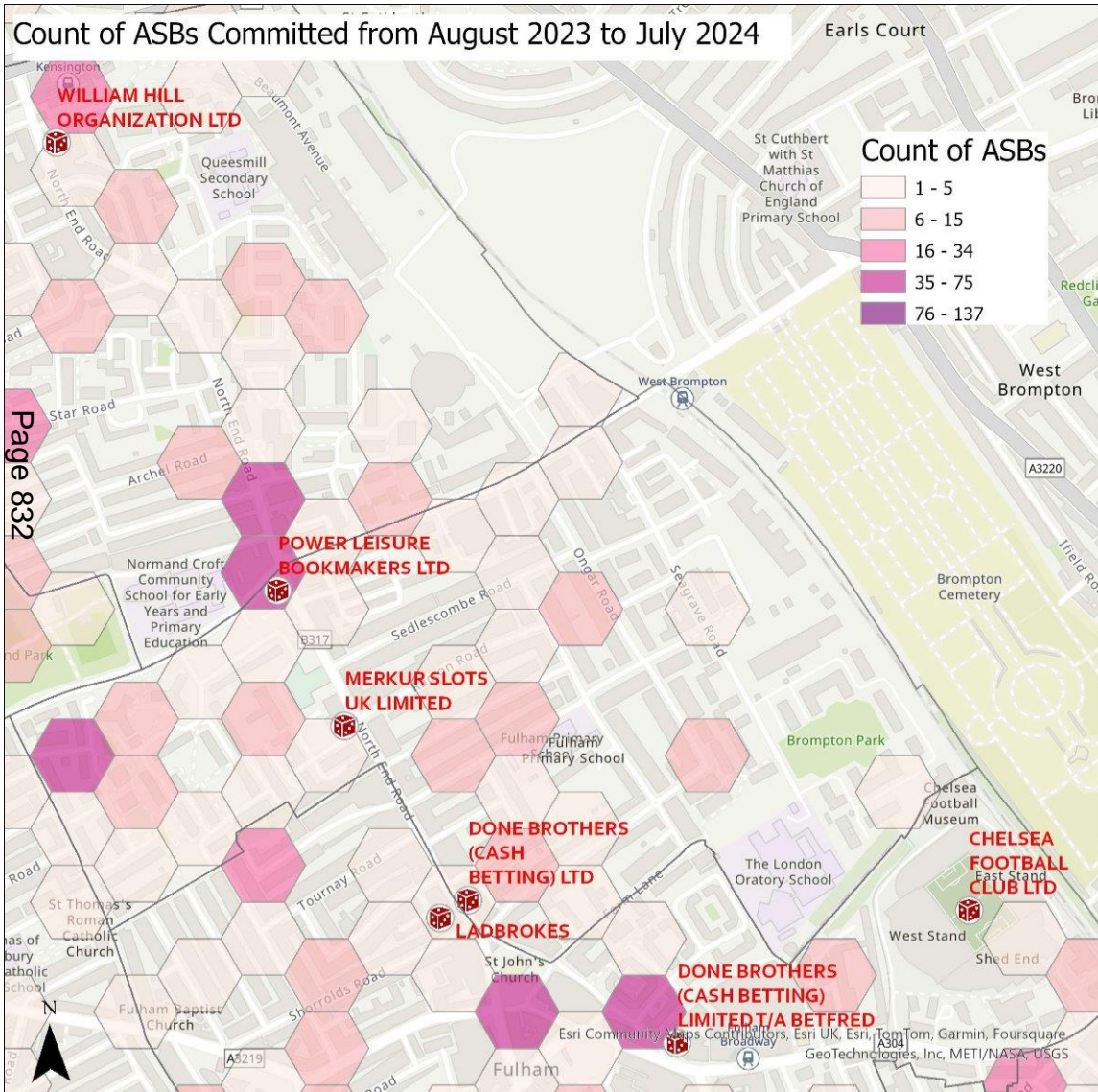


ASB/Crimes Committed - Hammersmith



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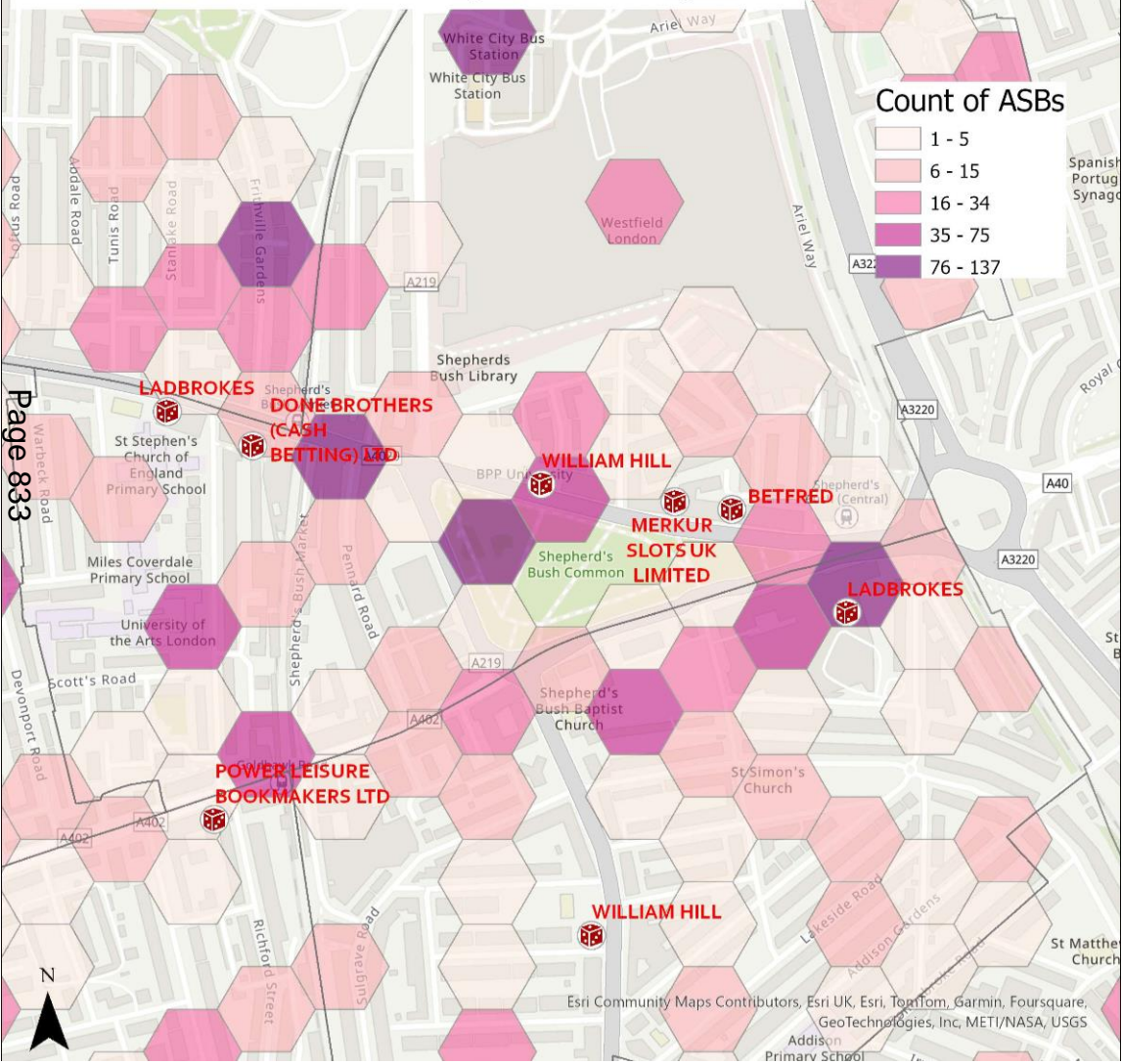
ASB/Crimes Committed - Fulham



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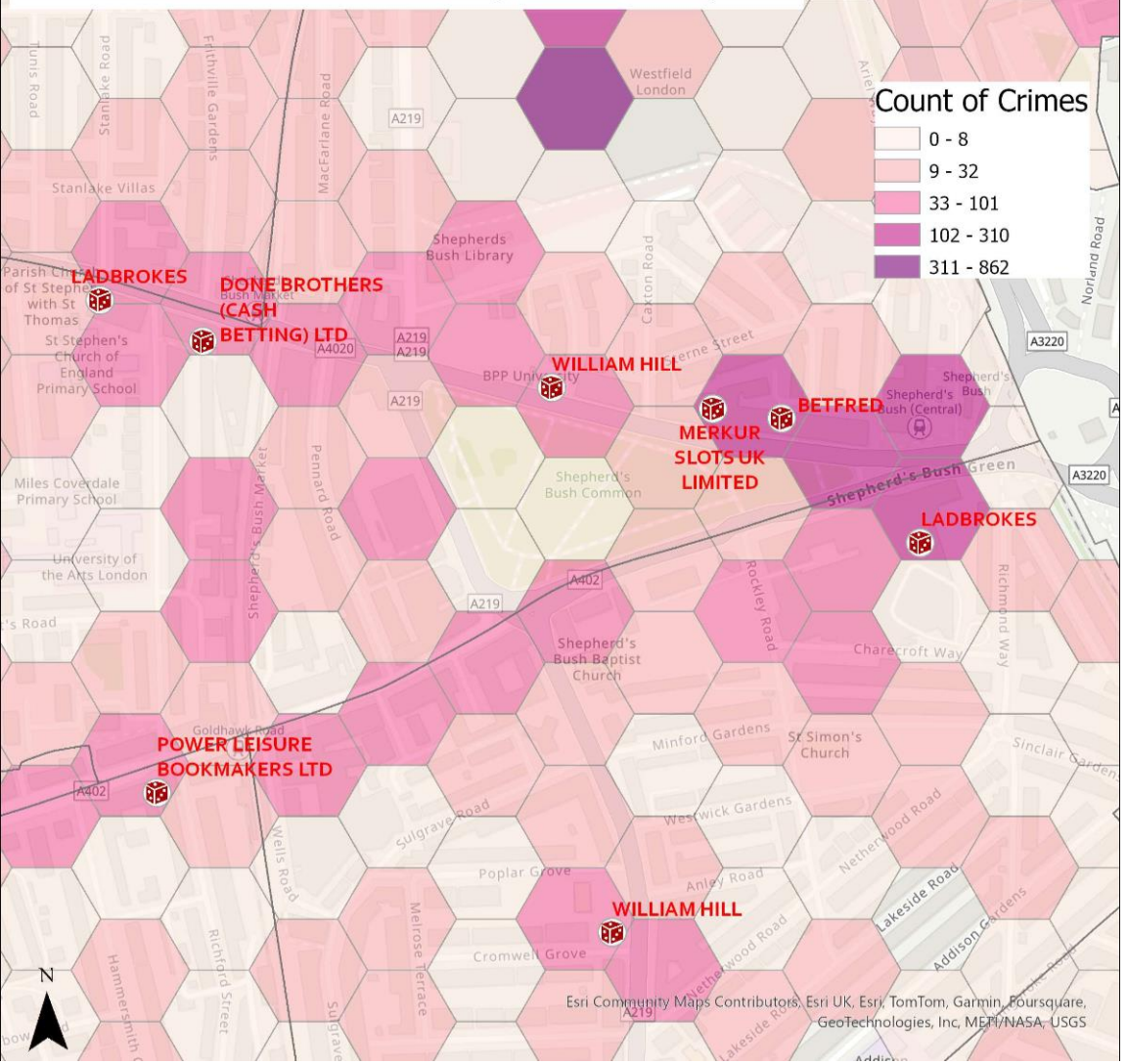
ASB/Crimes Committed - Shepherd's Bush

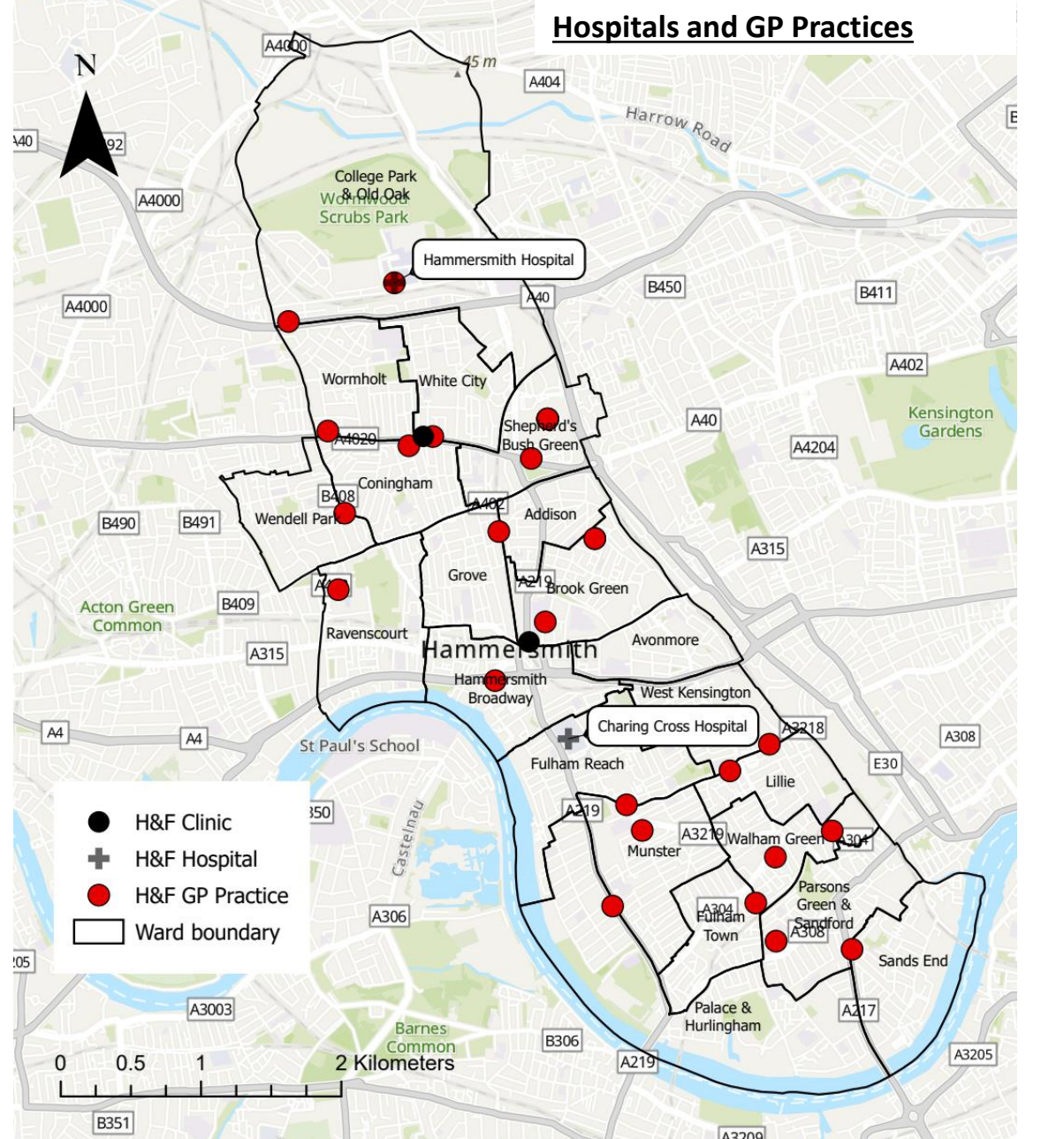
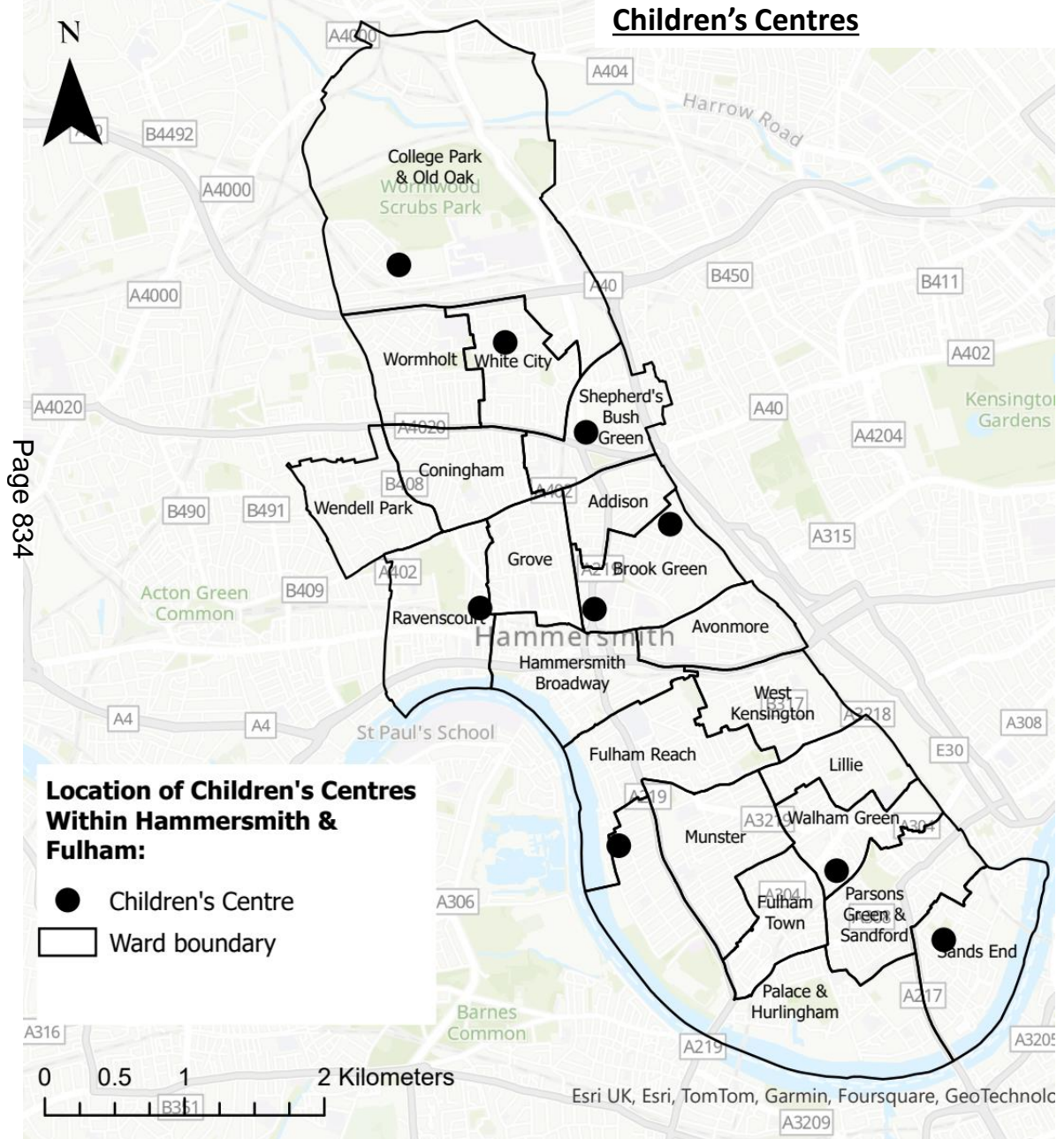
Count of ASBs Committed from August 2023 to July 2024



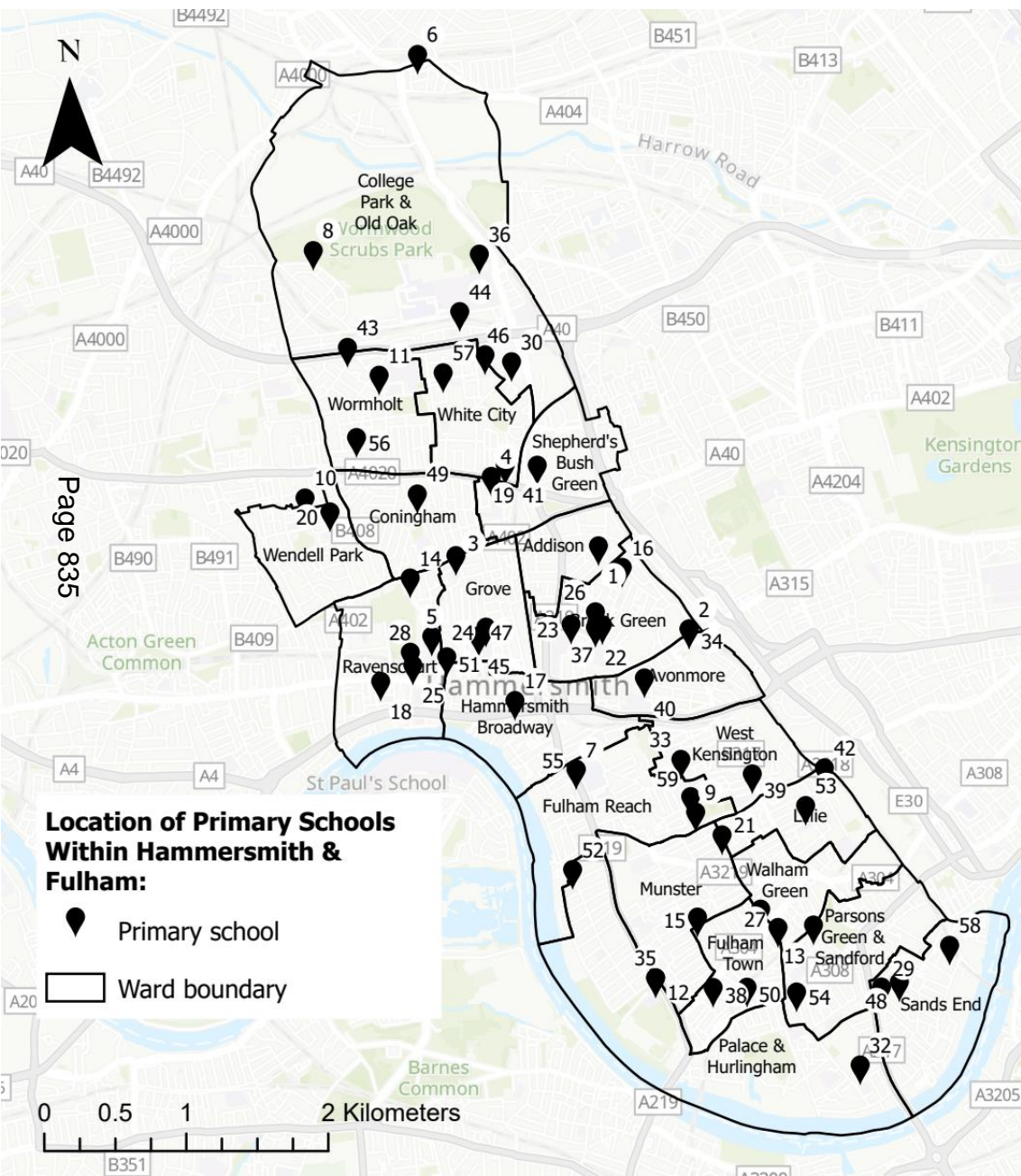
Page 833

Count of Crimes Committed from August 2023 to July 2024





59 primary schools in the borough

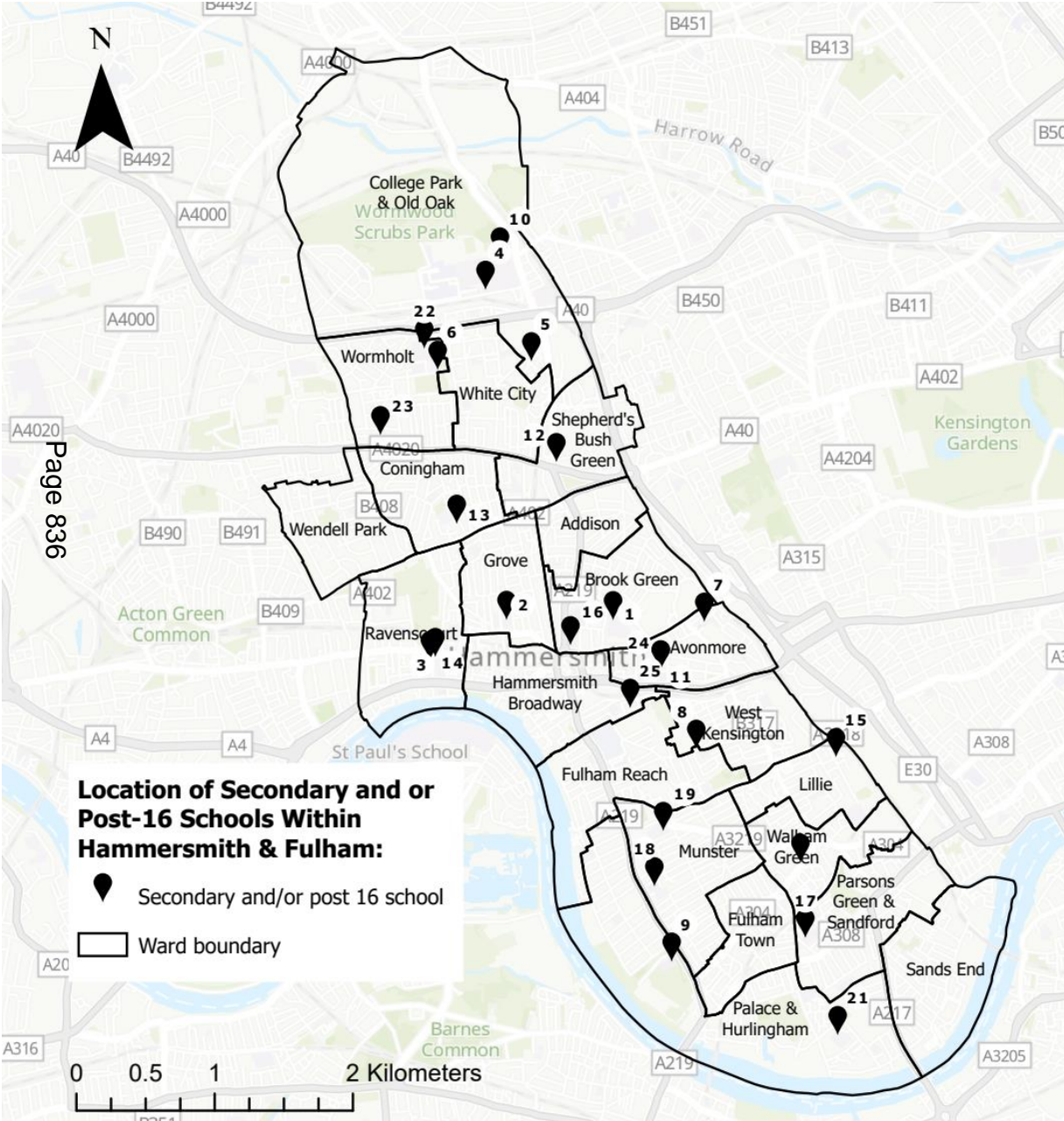


Name	Object ID	Name	Object ID
Addison Primary School	1	Kensington Prep School	31
Avonmore Primary School	2	Thomas's Fulham	32
Brackenbury Primary School	3	The Fulham Prep School Ltd	33
Miles Coverdale Primary School	4	St James Preparatory School	34
Flora Gardens Primary School	5	Burlington House School	35
Kenmont Primary School	6	Ark Burlington Danes Academy	36
Melcombe Primary School	7	Larmer & Sacred Heart Catholic Primary School	37
Old Oak Primary School	8	Parsons Green Prep School	38
Sir John Lillie Primary School	9	Normand Croft Community School for Early Years and Primary Education	39
Wendell Park Primary School	10	Parayhouse School	40
Wormholt Park Primary School	11	London Vocational Ballet School	41
All Saints CoE Primary School	12	The London Oratory School	42
Holy Cross RC School	13	Ark Conway Primary Academy	43
John Betts Primary School	14	Ark Bentworth Primary Academy	44
St John's Walham Green Church of England Primary School	15	West London Free School Primary	45
St Mary's Catholic Primary School	16	Ark White City Primary Academy	46
St Paul's CoE Primary School	17	Earl's Court Free School Primary	47
St Peter's Primary School	18	Langford Primary School	48
St Stephen's CoE Primary School	19	Greenside Primary School	49
Good Shepherd RC Primary School	20	Thomas's Academy	50
St Thomas of Canterbury Catholic Primary School	21	Azbuka Russian-English Bilingual School	51
St Paul's Girls' School	22	Queen's Manor School and Special Needs Unit	52
Bute House Preparatory School for Girls	23	Fulham Primary School	53
The Godolphin and Latymer School	24	Sullivan Primary School	54
Latymer Upper School	25	Kensington Wade	55
Ecole Française de Londres Jacques Prévert	26	Queensmill School	56
Evergreen Primary School	27	St John XXIII Catholic Primary School	57
Ravenscourt Park Preparatory School	28	First Bridge School	58
L'Ecole des Petits School	29	St Augustine's RC Primary School	59
Jack Tizard School	30		

25 secondary schools in the borough

Name	Object ID
St Paul's Girls' School	1
The Godolphin and Latymer School	2
Latymer Upper School	3
Woodlane High School	4
Jack Tizard School	5
Cambridge School	6
St James Senior Girls' School	7
The Fulham Prep School Ltd	8
Burlington House School	9
Ark Burlington Danes Academy	10
Parayhouse School	11
London Vocational Ballet School	12
Hammersmith Academy	13

Name	Object ID
West London Free School	14
The London Oratory School	15
Sacred Heart High School	16
Lady Margaret School	17
Fulham Cross Academy	18
Fulham Cross Girls' School and Language	19
The Fulham Boys School	20
The Hurlingham Academy	21
Phoenix Academy	22
Queensmill School	23
Ealing, Hammersmith and West London College	24
William Morris Sixth Form	25



Appendix 3

Consultation questions - Proposed changes to the council's Gambling Policy 2025 – 2028

1. One of the three licensing objectives of the Gambling Act 2005 is preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime.

The council's main role is to try and promote this objective with regard to actual premises. So, where an area has known high levels of organised crime the council will carefully consider whether gambling premises are suitable to be located there and whether conditions may be required such as the provision of door supervision or reduced operating hours.

Do you feel the policy does enough to promote this objective? Yes/ No / Don't know

2. One of the three licensing objectives of the Gambling Act 2005 is ensuring that gambling is conducted in a fair and open way.

This objective is generally addressed by the Gambling Commission, via operating and personal licences. The council will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information.

Do you feel the policy does enough to promote this objective? Yes/ No / Don't know

3. One of the three licensing objectives of the Gambling Act 2005 is protecting children and other vulnerable persons from being harmed or exploited by gambling.

This licensing objective seeks to prevent children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc. The council will pay particular attention to any Codes of Practice which the Gambling Commission issues regarding this licensing objective.

Do you feel the policy does enough to promote this objective? Yes/ No / Don't know

4. A proposal has been made to retain the council's long standing 'no casino' resolution, but to allow flexibility to possibly remove this in future.

Do you agree with this proposal ? Yes/ No / Don't know

Appendix 3

5. Our new local area profile includes information on 5 gambling vulnerability zones which have been identified as some of the most vulnerable areas of the borough (more information on these areas is included in the local area profile attached to this consultation). Our proposed policy suggests that any new applications for adult gaming centres, betting shops or bingo premises should be refused in these areas.

Do you agree with the introduction of vulnerability zones, and the proposal to refuse applications in these areas ? Yes/ No / Don't know / Other (please specify)

6. A suggestion has been made to introduce the principle of cumulative impact into the current policy, to try and address the clustering of gambling premises in the borough. There are now three proposed cumulative impact areas outlined in the new Local Area Profile. Our proposed policy also explains that we would look to refuse any new applications for adult gaming centres, betting shops or bingo premises in these areas.

Do you agree with the introduction of these cumulative impact areas in the revised policy and our local area profile ? Yes/ No / Don't know / Other (please specify)

7. A proposal has been made to reduce the terminal hour for Adult Gaming Centres and Bingo premises to 10pm. Any premises wishing to operate after this time would be asked to provide a robust risk assessment, and also commit to employing more than one member of staff after 10pm. This proposal has been suggested to try and combat an issue with crime linked to lone working in these type venues.

Do you think that it is a good idea to include this proposal in the revised policy? Yes/ No / Don't know / Other (please specify)

8. Please add any other comments you wish to make regarding the proposed changes to the current Statement of Gambling Policy, or the Gambling Act itself.

When submitting any comments on the revised policy, please include reference to the paragraph numbers, where possible.

Please be aware that all responses are made publicly available. If you intend to include information of a commercially sensitive nature, please make sure this is clearly stated.

By Email Only
Licensing Section
Hammersmith and Fulham Council

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / ADS / 123267.00004
#GS5910482
Your ref:
Date: 14/11/2024

Dear Hammersmith and Fulham Council,

Re: Gambling Act 2005 Statement of Principles for Gambling

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four objectives. These are to:

1. create a culture of safer gambling throughout the betting and gaming sector, with a particular focus on young people and those who are vulnerable.
2. ensure future changes to the regulatory regime are considered, proportionate and balanced.
3. become respected as valuable, responsible, and engaged members of the communities in which its members operate.
4. safeguard and empower the customer as the key to a thriving UK betting and gaming industry.

BGC members support 110,000 jobs, generate £4.2 billion in taxes and contribute £7.1 billion to the economy in GVA (Gross Value Added), according to a report by EY in 2022.

Betting shops alone also support 42,000 jobs on the UK's hard-pressed high streets, contributing £800 million a year in tax to the Treasury and another £60m in business rates to local councils. Further, according to ESA Retail report 89% of betting shop customers go on to spend money in other high street establishments, further cementing the important role of betting shops in the local economy.

BGC members also support the UK's hospitality, tourism and leisure industry through our casinos – there are currently 116 across the UK. Overall, we are a major component of world leading British technology, where our members have founded tech powerhouses in many cities throughout the UK.

Betting is a hugely popular British leisure activity. Each month, around 22.5 million adults in the UK have a bet - whether it's buying a lottery ticket, having a game of bingo, visiting a casino, playing online or having a wager on football, horseracing and other sports - and the overwhelming majority do so perfectly safely and responsibly.

BGC members are proud to support UK sport, from the grassroots to the elite level. The industry contributes around £350 million to racing in levy, media, and sponsorship rights each year, £40 million to the EFL (English Football League), and £12.5 million to snooker, darts, and rugby league.

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Any consideration of gambling licensing at the local level should also be considered within the broader context.

The raft of measures recently put in place by the industry (in terms of protecting players from gambling-related harm), the Gambling Commission, and the Government (a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures, and voluntary restrictions on advertising) have contributed to problem gambling rates now being lower than they were at the passage of the 2005 Gambling Act (see further details on problem gambling rates below).

In addition, a range of further measures will be implemented imminently following the Government's White Paper, published in April 2023. These include: financial risk checks for those at risk of gambling harm, changes to the way operators market to their customers, changes to online game design which will remove certain features, the introduction of a mandatory levy for research, prevention and treatment (RPT) activities, an Ombudsman to adjudicate on customer redress and the introduction of mandatory stake limits on online slots, bringing the maximum stakes online in line with land based casinos.

It should also be noted that:

- The overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2023) was 5,995. This is reducing yearly and has fallen by 28% since March 2019 – equating to 2,309 betting shop closures in just four years.
- Planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019, a maximum stake of £2 was applied to the operation of fixed odds betting terminals.

- Successive prevalence surveys and health surveys show that problem gambling rates in the UK are stable.

Problem Gambling

A point often lost in the debate about the future of gambling regulation is that problem gambling rates in the UK are low by international comparison.

The most recent “Gold standard” NHS (National Health Service) Health Survey found that problem gambling rates among adults are 0.4 per cent – the rate was 0.5 per cent in 2018. In comparison to other European countries, problem gambling rates in the UK are low. The problem gambling rate is 2.4 per cent in Italy, 1.4 per cent in Norway, and 1.3 per cent in France.

Both the Gambling Commission and the Government have acknowledged that problem gambling levels have not increased. However, one problem gambler is one too many, and we are working hard to improve standards further across the regulated betting and gaming industry.

In June 2020, the BGC’s largest members committed to increasing the amount they spend on RPT (Research, Prevention and Treatment) services from 0.1 per cent to 1 per cent in 2023. This was expected to raise £100 million but they have gone further and will have donated £110 million by 2024.

In the White Paper, the Government committed to introducing a statutory RPT (Research, Prevention and Treatment) levy, which would apply to all gambling licensees (excluding the national lottery). This levy is expected to raise £100m annually by 2026/2027.

The BGC also funds the £10 million Young People’s Gambling Harm Prevention Programme, delivered by leading charities YGAM and GamCare. As of March last year (2023), it has educated over 3 million children.

Advertising and Sponsorship

All betting advertising and sponsorship must comply with strict guidelines, and safer gambling messaging must be regularly and prominently displayed.

The Government has previously stated that there is “no causal link” between exposure to advertising and the development of problem gambling, as stated in a response by then Minister of State at DCMS, in June 2021. The Gambling Review White Paper, in relation to advertising, restated that there was “little evidence” of a causal link with gambling harms or the development of gambling disorder.

The Seventh Industry Code for Socially Responsible Advertising, adopted by all BGC members, adds a number of further protections in particular for young people. New measures include ensuring that all social media ads must target consumers aged 25 and over unless the website proves they can be precisely targeted at over-18s. In addition to raising advertising standards for young people, this

code, which came into force on 1 December 2023, extended the previous commitment that 20% of TV and radio advertising is devoted to safer gambling messaging to digital media advertising.

Under the ‘whistle-to-whistle’ ban, ads cannot be shown from five minutes before a live sporting event until five minutes after it ends, before the 9 p.m. watershed. Research by Enders Analysis found that in its first 12 months in operation, the ban reduced the number of TV betting adverts seen by children by 97% at that time. Overall, the number of gambling adverts viewed by young people also fell by 70% over the entire duration of live sports programmes. At the same time, the ban also reduced the number of views of betting ads by 1.7 billion during its first five months in operation.

BGC members also continue to abide by the stringent measures established by advertising standards watchdogs. These measures are in stark contrast to the unsafe, unregulated black market online, which has none of the safer gambling measures offered by BGC members, including strict age-verification checks. Any withdrawal of advertising would simply level the playing field with illegal operators thus providing opportunities for those operators to peel off customers from the regulated markets.

Misleading/ambiguous premises signage

There are increasing numbers of premises (usually Adult Gaming Centres) which describe themselves on their shopfronts and external signage as casinos despite these premises not being permitted to operate as a casino.

Section 150 Gambling Act 2005 creates five separate classes of premises licences – the operation of a casino (a casino premises licence), the provision of facilities for the playing of bingo (a bingo premises licence) , making category B gaming machines available for use (an adult gaming centre premises licence), making category C gaming machines available for use (a family entertainment centre premises licence) and the provision of facilities for betting (a betting premises licence). Whilst casinos are permitted under a casino premises licence to provide bingo and betting facilities, the holder of an adult gaming centre premises licence may not offer casino facilities.

In order to avoid any ambiguity, the draft statement of principles should be clear that premises must not display signage which may suggest that the premises have a different premises licence to the one held.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important to clearly distinguish between the regimes, processes, and procedures established by the Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities—the regimes, processes, and procedures relating to the Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, which are then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications, where the LCCP provides a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in the Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances with clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In most cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry employs a policy called “Think 21”. This policy is successful in preventing underage gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission shows that ID challenge rates are consistently around 85%. Following the publication of the Gambling Commission’s response to their consultation on age verification on premises, all gambling venues will be moving to a “Think 25” policy from 30th August 2024.

Since Serve Legal began working with the gambling sector in 2009, the industry has now become the highest performing sector across all age verification testing. Across thousands of audits, there was an average pass rate of 91.4 per cent (2024 data). For casinos, there is a near perfect pass rate in the last period of 98%. When comparing Serve Legal audit data between members of the BGC and comparative age verification audit data in the Alcohol and Lottery sector we see how the gambling sector is performing between 10-15 per cent higher every year.

It should be noted that the Executive Summary of the Gambling White Paper stated that when parliamentary time allows, the Government will align the gambling licensing system with that for alcohol by introducing new powers to conduct cumulative impact assessments.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no precise requirements regarding the need for evidence in the revised licensing policy statement. If additional licence conditions are more commonly applied, this would increase variation across licensing authorities and create uncertainty amongst operators regarding licensing requirements, overcomplicating the licensing process for operators and local authorities.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships between betting and gaming operators and licensing authorities and that problems can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this, and the opportunity to respond to this consultation is welcomed.

Considerations specific to the Gambling Act 2005 Statement of Licensing Principles

Paragraph 6.5 creates the concept of Gambling Vulnerability Zones which do not exist within the statute, regulations, or guidance. The justification for these Gambling Vulnerability Zones is contained within the local area profile which contains no evidence of a specific gambling related problem in any area of the borough but instead, an arbitrary approach to data available, the extrapolation of national figures and estimates. The crime figures and “analysis” contained within the local area profile are similarly arbitrary and do not stand up to scrutiny. For example, it appears that bicycle theft, theft from a motor vehicle are classed as crimes, the source of which is gambling

whereas it is more likely that these are criminal offences that took place in the vicinity of a gambling premises which was then used as a geographical locator when logging a crime. Without any evidence of crimes for which gambling is the source or directly attributable to gambling, the figures are worthless and the concepts of Gambling Vulnerability Zones based upon them are seriously flawed. Accordingly the Gambling Vulnerability Zone section should be deleted and applications simply determined on their own merits.

Similarly the adoption of the concept of Cumulative Impact Areas from Licensing Act 2003 is flawed and should be deleted from the draft statement of principles. The issue of location is a planning issue and matters of planning are not considerations for the Licensing Authority nor its Gambling Act 2005 subcommittee (s210 GA 2005). There is no evidence that stands up to any scrutiny that the proximity of gambling premises to others within the Borough causes any problems and without that evidence, sections 6.8 to 6.10 inclusive should be deleted. Furthermore, the “presumption of refusal” contained within paragraph 6.10 is directly contrary to the licensing authority’s duty to aim to permit the use of premises for gambling contained within s153.

These creations are both wholly unnecessary and appear to be created as justifications for refusal of applications against a backdrop of falling crime (even on the flawed figures provided) and no evidence of any gambling related harm in the Borough. These paragraphs should be removed from the statement of principles leaving the requirement of SR Code Provision 10 that operators/applicants must assess the local risks posed by the provision of gambling facilities at their premises (with reference to the council’s local area profile) and have policies, procedures and control measures to mitigate those risks and that each application will be considered on its own merits.

Paragraph 6.13 contains a bullet point list of factors that the council expects to be considered when conducting a local risk assessment. The bullet point list should be redrafted with matters irrelevant to an assessment of risk to the licensing objectives omitted. For example, issues such as street drinking, youths participating in ASB, drug dealing are either issues of nuisance or crime which is not associated with gambling nor for which gambling is the source. These references must therefore be deleted as they are not relevant to any assessment of risk to the licensing objectives.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope these comments above are helpful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

**The Gambling Business Group's comments on Hammersmith & Fulham's
Gambling Policy 2025 - 2028**

1. The Gambling Business Group's comments relate to one section of the proposed policy and therefore we are responding in writing and not completing the online response form, but we trust that the views of our members will be considered.
2. The Council has a detailed Local Area Profile and a Gambling Policy which promotes a risk-based approach to regulating gambling:

"Irrespective of the area where an application is made, this Authority will always expect applicants to fully explain in their local area risk assessment how their proposal will not exacerbate any problems to individuals living in the vicinity or exacerbate any ASB problems within the vicinity generally. The local area risk assessment enables an applicant to identify risks posed by the gambling facilities provided and to detail policies, procedures and control measures in place to mitigate the risk"

3. Given this risk-based approach, it is of grave concern that the Policy Statement has a section (6.5-6.10) on gambling vulnerability zones and cumulative impact areas where the council's policy states:
"We will typically refuse any applications for AGC, Betting Shops and Bingo premises, except" in exceptional circumstances"
4. Firstly this presumption to refuse does not meet the aim to permit principle within Section 153 of the Gambling Act 2005.
5. Secondly, having a risk-based approach should be sufficient for applicants to understand that the Licensing Authority will expect the local risks to be reviewed and mitigated.
6. As we are sure the Council is aware Westminster City Council's draft gambling policy in 2021 originally stated the Council would refuse applications within a Gambling Vulnerability Zone that sought hours beyond those in the council's hours policy. The Council had to amend its policy on this and other grounds where it contravened the "aim to permit".
7. Of further concern to our members is the inclusion of cumulative impact areas.
8. In April 2023, the previous Government published a policy paper "High Stakes Gambling Reform for the Digital Age". A proposal in Chapter 6 "Land Based Gambling" states:

"We will also bring the licensing regime into line with that for alcohol by legislating to introduce a formal system for cumulative impact assessments (CIAs) when Parliamentary time allows."

9. Since that time there has been NO progress on this proposal, which requires primary legislation, either by the previous or current Government.
10. The reference to cumulative impact areas in the Council's Policy Statement, has the same intended use and purpose as cumulative impact assessments, therefore the council will be acting ultra vires if it retains the proposed concept of cumulative impact areas with presumption to refuse applications in these areas. (6.8-6.10).
11. Where the risks have been mitigated and the Licensing Authority is satisfied that the application is in accordance with the Gambling Commission's Codes of Practice and Guidance to Licensing Authorities, that it is reasonably consistent with the Licensing Objectives and that it meets all matters identified within the Council's Statement of Principles for Gambling, then the presumption should be to grant the application, not refuse it.

The Gambling Business Group is the leading representative body for the cross-sector, land-based section of the gambling industry. We are proud to have a broad membership base, comprised of Adult Gaming Centres (AGCs), Bingo, Betting, Arcades, Machines and Suppliers, alongside supporting businesses including legal, licensing, finance and consultancy organisations.

Charlotte Meller
General Manager
The Gambling Business Group (GBG)
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22 November 2024

Ref: 017449/00745

Doc Ref: 547216

Hammersmith & Fulham Council
Licensing Team
Town Hall
King Street
London
W6 9JU

Dear Sirs

Hammersmith & Fulham – Review of Council’s Statement of Gambling Policy 2025

We act for MERKUR Slots UK Limited ('MERKUR') and we write further to our response to Hammersmith & Fulham’s proposed Gambling Policy, submitted via your online survey on 22 November 2024.

Our concerns relate to questions 5, 6 and 7 of the online survey, namely the proposed policies to:-

1. Refuse any new adult gaming centres, betting shops or bingo premises in the identified gambling vulnerability zones;
2. Refuse any new adult gaming centres, betting shops or bingo premises in the identified cumulative impact areas as outlined in the new Local Area Profile; and
3. Reduce the terminal hour for Adult Gaming Centres and Bingo Premises to 22:00.

MERKUR: Background

MERKUR hold an Operating Licence issued by the Gambling Commission (licence number 3266). Details on their operating licence can be viewed on the Gambling Commission’s public register which can be viewed here, <https://www.gamblingcommission.gov.uk/public-register/business/detail/3266>.

MERKUR operate adult gaming centre and bingo licensed venues across the UK, including Hammersmith & Fulham. MERKUR operate the following bingo licensed venues in the Hammersmith & Fulham area:

1. Merkur Slots, 96-98 Uxbridge Road, London, W12 8LR;
2. Merkur Slots, 272 North End Road, London, SW6 1NJ; and
3. Merkur Slots, 84-86 King Street, London, W6 0QW.

List of partners and associates available on request

Address: 37 Stoney Street, The Lace Market, Nottingham NG1 1LS | **T:** 0115 953 8500 | **F:** 0115 953 8501 | **W:** popall.co.uk

Authorised and Regulated by the Solicitors Regulation Authority (SRA no. 78244)

Refusal of new adult gaming centres, betting shops and bingo premises in gambling vulnerability zones and cumulative impact areas

At 6.9 of the proposed policy, the Authority propose that *'within Gambling Vulnerability Zones and the three Cumulative Impact Areas there is a policy presumption to refuse any new gambling applications for AGC, Betting Shops or Bingo premises.'*

The policy proposed is unlawful as it contradicts the requirement for Licensing Authority's to 'aim to permit'. Licensing Authorities do not have the discretion under the Gambling Act 2005 to state as a matter of policy, that they will refuse applications. Section 153 of the Gambling Act 2005 requires licensing authorities in exercising their functions to 'aim to permit' the use of premises for gambling. This creates a presumption in favour of granting applications and therefore prohibits Hammersmith & Fulham from opposing any policy to refuse applications, in this case based on location of the premises.

No context is provided as to what information in the Local Area Profile suggests that the location of gambling premises is undermining one or more of the licensing objectives. At 6.7 of the proposed policy, it is stated that the highest levels of crime and anti-social behaviour in the borough is recorded in the identified cumulative impact zones. No evidence is provided to attribute crime reported to Adult Gaming Centres, Betting shops or Bingo premises. We are not aware that any such evidence exists.

The Local Area Profile takes account of risk predominately relating to the operation of premises other than Bingo and Adult Gaming Centre licensed venues. The Local Area Profile does not refer to evidence of issues with Bingo or Adult Gaming Centre venues within the Borough. The Local Area Profile does not link the socio-economic findings to the provision of gambling in the types of licensed venue in question.

This proposal must be removed from the proposed policy.

Reduction of hours of Adult Gaming Centres and Bingo Premises to 22:00

At 6.15 of the proposed policy, the Authority propose that *'the licensing authority also suggests that that the terminal hour for AGC and Bingo premises should be limited to 22:00. Any AGC such premises wishing to operate after this time would need to provide a robust risk assessment and also commit to employing more than one member of staff after 22:00.'*

Once more, this proposal is unlawful as it is not consistent with the Gambling Act 2005 'aim to permit' as outlined above. This creates a presumption in favour of granting applications and therefore prohibits Hammersmith & Fulham from opposing any policy to refuse applications, in this case based on hours of the premises.

There is no evidence provided to justify the hours included within the policy. The hours proposed are contrary to the default conditions enacted by Parliament. Bingo operators are permitted by Parliament, as a right under the Gambling Act 2005, to open 24 hours to provide gaming machines and provide the provision of Bingo between the hours of 09:00 and 00:00.

Hammersmith & Fulham cannot lawfully impose such a policy. The policy is prescriptive, disproportionate and is not substantiated with evidence of issues relating to Bingo or Adult Gaming Centre licensed premises to justify the proposed policy. This is an arbitrary limit proposed without evidence or reason and fails to consider each application on its own merits.

The policy has been prepared without engagement with the with industry. We are not aware of issues with the Bingo and Adult Gaming Centre licensed premises within Hammersmith & Fulham which would substantiate such a policy. If the Authority have concerns regarding the operation of Bingo and Adult gaming Centre premises upholding the licensing objectives, they have the power of review.

This proposal should be struck from the draft policy.

Yours faithfully



Poppleston Allen
0115 934 9182
e.varley@popall.co.uk

From: Narinder Dhanjal <nindi.dhanjal@evokeplc.com>

Sent: 22 November 2024 15:56

To: Licensing HF: H&F <licensing@lbhf.gov.uk>; Perez-Trillo Cristina: H&F <Cristina.Perez-Trillo@lbhf.gov.uk>

Subject: FW: Hammersmith and Fulham - Challenge to Sections on "Gambling Vulnerability Zones" and "Cumulative Impact Areas"

Importance: High

Some people who received this message don't often get email from nindi.dhanjal@evokeplc.com. [Learn why this is important](#)

We appreciate the opportunity to provide feedback on the proposed Gambling Policy 2025 -2028, specifically Sections 6.5–6.10 concerning "Gambling Vulnerability Zones" (GVZs) and "Cumulative Impact Areas" (CIAs). While we recognize the Council's commitment to safeguarding the community, we have concerns that these sections may exceed the statutory powers granted under the Gambling Act 2005 (GA 2005) and may not align with recent governmental guidance.

1. Alignment with the Gambling Act 2005

The GA 2005 outlines three primary licensing objectives:

- Preventing gambling from being a source of crime or disorder.
- Ensuring that gambling is conducted fairly and openly.
- Protecting children and vulnerable persons from being harmed or exploited by gambling.

Section 153 of the Act mandates that licensing authorities should "aim to permit" gambling activities, provided they are consistent with these objectives. The introduction of GVZs and CIAs, with presumptions to **refuse** applications, may conflict with this statutory duty. Policies that impose blanket refusals without robust, evidence-based justification could be seen as unlawfully restricting the discretion that should be applied on a case-by-case basis.

2. Recent Governmental Guidance

The Gambling White Paper published in April 2023, titled "High Stakes: Gambling Reform for the Digital Age," emphasizes the need for evidence-based and proportionate measures in gambling regulation. It acknowledges the importance of local authorities considering local circumstances but cautions against overreach that could stifle legitimate business operations without clear justification. Subsequent government responses have reinforced this stance, highlighting that while protecting vulnerable individuals is paramount, policies must not impose unnecessary burdens on operators or deviate from the statutory framework established by the GA 2005.

The UK Government also acknowledged that introducing CIA policies would require amendments to existing laws. In its response to the Culture, Media and Sport Select Committee's report on gambling regulation, the Government stated: "The introduction of cumulative impact assessments will require an amendment to primary legislation, and this will be done when parliamentary time allows."

3. Overreach of Local Authority Powers

The concept of Cumulative Impact is recognized under the Licensing Act 2003 for alcohol licensing but does not have a statutory basis in gambling law. Gerald Gouriet KC, in his article "Cumulative Impact Policies: Gambling Vulnerability Zones and Cumulative Impact Areas," notes that applying such policies to gambling premises conflates separate legal regimes. The "aim to permit" principle under Section 153 requires each application to be judged on its merits, not predetermined by clustering policies.

Moreover, Westminster City Council when consulting on their previous policy in 2021 proposed similar restrictions but removed most following significant concerns from operators and legal advisors, recognizing the potential legal risks of such policies.

4. Evidence-Based Policy Making

The proposed policy appears to rely heavily on general socio-economic data (e.g., deprivation indices, income levels, lone-parent households) to justify its measures. While there may be some correlation between socio-economic deprivation and gambling harm, it is critical to note that correlation does not imply causation. The roots of gambling harm are varied and not fully understood, even among academics and clinicians. Socio-economic factors alone should not be regarded as a direct cause of gambling harm, and reliance on these metrics risks oversimplifying a complex issue.

The GA 2005 and the Gambling White Paper emphasize that local risk assessments must be grounded in robust, gambling-specific evidence. Broad socio-economic metrics, while informative, do not directly demonstrate that gambling premises inherently undermine the licensing objectives. Moreover, Gambling Commission and your own Local Authority data shows that the number of gambling premises in Hammersmith and Fulham has decreased from 34 to 30 since the last consultation, suggesting that concerns over clustering may lack evidential support and undermining the justification for stringent measures like GVZs and CIAs.

5. Impact on Operators and Economic Viability

The presumptions in GVZs and CIAs could undermine the viability of existing operators and deter new entrants by imposing disproportionate burdens inconsistent with the Act. Operators already adhere to stringent requirements under the Licence Conditions and Codes of Practice (LCCP), including:

- Conducting local risk assessments tailored to specific vulnerabilities.
- Implementing social responsibility measures like self-exclusion schemes and spending limits.
- Establishing robust crime and disorder prevention strategies.

These existing safeguards are designed to mitigate risks without introducing sweeping refusals that could drive gambling underground or into less regulated channels, contrary to the licensing objectives.

Proposed Amendments

To ensure the policy aligns with the GA 2005 and recent governmental guidance, we propose the following amendments:

- Remove presumptions to refuse applications in Sections 6.6 and 6.10.
- Commit to evaluating applications on a case-by-case basis, grounded in robust, gambling-specific evidence.
- Clarify that clustering or cumulative impact alone does not justify refusal unless clearly linked to gambling-specific harm within the licensing objectives.
- This approach ensures compliance with statutory requirements, protects vulnerable individuals, and avoids undue burdens on lawful operators.

Conclusion

While we support the Council's dedication to protecting the community, the introduction of "Gambling Vulnerability Zones" and "Cumulative Impact Areas," as currently proposed, may exceed the statutory powers under the GA 2005 and contradict recent governmental guidance emphasizing proportionality and evidence-based policymaking. Furthermore, under the current legal framework, local authorities do not have the statutory authority to implement cumulative impact policies for gambling premises without changes to primary legislation. This fundamental legal barrier, combined with the reduction in gambling premises operating in Hammersmith and Fulham's jurisdiction from 34 to 30 since the last consultation, underscores the need to remove these presumptions and commit to case-by-case assessments in line with the licensing objectives

We kindly request an acknowledgment of receipt of this response for our records. Should there be any questions or need for further clarification, please do not hesitate to contact us.

Yours faithfully

Nindi Dhanjal
Head of Licensing and Development
Mobile (+44) 776 466 0948
William Hill Limited | 1 Bedford Avenue | London | WC1B
3AU

evoke

888  

From: Elizabeth Speed <espeed@novomatic.co.uk>
Sent: 22 November 2024 15:27
To: Perez-Trillo Cristina: H&F <Cristina.Perez-Trillo@lbhf.gov.uk>; Licensing HF: H&F <licensing@lbhf.gov.uk>
Cc: Tracey Rose <Tracey.Rose@Luxury-Leisure.co.uk>
Subject: The Gambling Act 2005 - Review of Hammersmith and Fulham Council's Statement of Gambling Policy

Dear Team

Gambling Act 2005 – Statement of Principles Consultation

Thank you for the opportunity to make comments in relation to the above consultation. On behalf of Luxury Leisure and Talarius Ltd., we make the following points in relation to the consultation draft (the "Draft"):-

1. As the Authority appreciates, in matters of regulation under the Gambling Act 2005 (the Act) it is subject to the **Regulators' Code**. That Code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates.

While the draft references the Code under the section dealing with Enforcement, (section 10), the Code has much broader application and we suggest that a reference to include the above is made at the beginning of the Statement and not simply in the Enforcement section.

2. Para 3.8: While we acknowledge that safeguarding against child sexual exploitation is a commendable aim, this has no direct relevance to the gambling Licensing Objectives. There is no evidence to support the inclusion of this content within the policy statement. The Authority should recognize that the principal duty is to protect children and other persons from the potentially harmful effects of gambling, as opposed to wider societal harm. While we agree that licence holders and all businesses throughout society should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objectives of the Gambling Act 2005.
3. Para 5: We note that the current para 5.1 has been deleted. The reason is not apparent but we believe it is important to reinstate these provisions which will apply in any event, but the inclusion will make it clear. We suggest they are retained.
4. Para 5.5: While we note the sample conditions, we do not believe that it is appropriate to include references to matters such as speakers and

microphones. Those are matters which, with respect, are more appropriately dealt with under other legislation and policies such as those applicable to the planning regime. As the GLA makes clear, nuisance is not a matter for the Gambling Act 2005 – see GLA paragraph 5.5 (*“In the context of gambling premises licences, licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the licensing authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor.”*)

5. Paras 6.5 - 6.10. We strongly object to these paragraphs which would be open to legal challenge. The introduction of these new areas of policy, such as that to refuse new applications save in exceptional circumstances, would contravene the overarching duty to aim to permit set out in s153 of the Act. Further, such paragraphs and approach as is proposed would amount to a pre-judgment of individual applications.
6. Paras 6.8 - 6.9: The reference to “clustering” seems to have more to do with matter of “demand” than anything else – and as the Authority will appreciate, demand is expressly not a consideration when dealing with applications for a premises licence. Further, the vague reference to “clustering or cumulative impact” currently undermining one or more of the licensing objectives” is made without reference to any particular objective nor to any evidence. Again, fundamentally, the obligation placed on the Authority to aim to permit applications would be contravened by such a policy. That obligation was imposed by parliament, and it is not for the Authority to seek to disapply it. Indeed, it would also seem to directly conflict with the provisions of paragraph 6.13 of the draft.
7. Para 6.13. We note the points that the draft suggests applicants consider. We suggest however that the issue of the impact of Covid pandemic is obsolete.
8. Para 6.14. Many of the draft conditions are already covered in LCCP or are Mandatory conditions and as such it is inappropriate for them to be repeated as licence conditions.
9. Para 6.16 We strongly object to this paragraph. The suggestion that the Authority can simply ignore the fact that Parliament decided on what, if any, hours to impose on AGCs as a default condition would be wrong and indeed such a step would likely be ultra vires. The paragraph also conflates the issue of default hours and appropriate conditions for late opening venues.. The latter are a legitimate point of discussion and consideration as part of an application.
10. Para 6.17: The LCCP has been updated and all operators of AGCs must now take part in age verification testing.

We hope that you find the above helpful and we would be happy to talk thorough any of the points or answer any questions you might have.

Yours faithfully,

Elizabeth Speed
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Mobile +44 (0) 7808 571 588
espeed@novomatic.co.uk

21 November 2024

Ref: 017449/00745

Doc Ref: 547216

Hammersmith & Fulham Council
Licensing Team
Town Hall
King Street
London
W6 9JU

Dear Sirs,

Hammersmith & Fulham – Review of Council’s Statement of Gambling Policy 2025

We act for The Bingo Association and write further to our response to Hammersmith & Fulham’s proposed Gambling Policy, submitted via your online survey on 21.11.2024.

Our concerns relate to questions 5, 6 and 7 of the online survey, namely the proposed policies to:-

1. Refuse any new adult gaming centres, betting shops or bingo premises in the identified gambling vulnerability zones;
2. Refuse any new adult gaming centres, betting shops or bingo premises in the identified cumulative impact areas as outlined in the new Local Area Profile; and
3. Reduce the terminal hour for Adult Gaming Centres and Bingo Premises to 22:00.

The Bingo Association: Background

The Bingo Association represents 580 licensed bingo premises in Great Britain which is 98% of all licensed bingo premises and 100% of all Licensed Bingo Clubs.

The majority of those member premises are Licensed Bingo Clubs which generate 90% of all GGY and profits. The Bingo Club is attended by 28.4 million visits a year and employs approximately 10,000 people (pre-Covid).

Bingo is a low-risk social gambling activity according to the 2018 Health Survey, with many customer prevention strategies in place to protect customers, none more crucial than its voluntary membership-only requirement which underpins its self-exclusion, age verification and low-key marketing and communications approach.

List of partners and associates available on request

Address: 37 Stoney Street, The Lace Market, Nottingham NG1 1LS | **T:** 0115 953 8500 | **F:** 0115 953 8501 | **W:** popall.co.uk

Authorised and Regulated by the Solicitors Regulation Authority (SRA no. 78244)

There is much research that supports the social and cultural value of Licensed Bingo Clubs. To use but one source, 'bingo is a social, community, activity for many people, and in many places, it attracts a distinctive demographic of players. (The Bingo Project, University of Kent, Economic and Social Research Council, 2015). The Bingo Association Code of Conduct, which is a condition of membership, can be provided on request.

Refusal of new adult gaming centres, betting shops and bingo premises in gambling vulnerability zones and cumulative impact areas

At 6.9 of the proposed policy, the Authority propose that *'within Gambling Vulnerability Zones and the three Cumulative Impact Areas there is a policy presumption to refuse any new gambling applications for AGC, Betting Shops or Bingo premises.'*

The policy proposed is unlawful as it contradicts the requirement for Licensing Authority's to 'aim to permit'. Licensing Authorities do not have the discretion under the Gambling Act 2005 to state as a matter of policy, that they will refuse new Bingo applications. Section 153 of the Gambling Act 2005 requires licensing authorities in exercising their functions to 'aim to permit' the use of premises for gambling. This creates a presumption in favour of granting applications and therefore prohibits Hammersmith & Fulham from opposing any policy to refuse applications, in this case based on location of the premises.

No context is provided as to what information in the Local Area Profile suggests that the location of bingo premises is undermining one or more of the licensing objectives. At 6.7 of the proposed policy, it is stated that the highest levels of crime and anti-social behaviour in the borough is recorded in the identified cumulative impact zones. No evidence is provided to attribute crime reported to Bingo premises and we are not aware that any such evidence exists.

The Local Area Profile takes account of risk predominately relating to the operation of premises other than Bingo licensed venues. The Local Area Profile does not refer to evidence of issues with Bingo premises within the Borough. The Local Area Profile does not link the socio-economic findings to the provision of gambling in Bingo Licensed Venues.

This proposal must be removed from the proposed policy.

Reduction of hours of Bingo Premises to 22:00

At 6.15 of the proposed policy, the Authority propose that *'the licensing authority also suggests that the terminal hour for AGC and Bingo premises should be limited to 22:00. Any AGC such premises wishing to operate after this time would need to provide a robust risk assessment and also commit to employing more than one member of staff after 22:00.'*

Once more, this proposal is unlawful as it is not consistent with the Gambling Act 2005 'aim to permit' as outlined above. This creates a presumption in favour of granting applications and therefore prohibits Hammersmith & Fulham from opposing any policy to refuse applications, in this case based on hours of the premises.

There is no evidence provided to justify the hours included within the policy. The hours proposed are contrary to the default conditions enacted by Parliament. Bingo operators are permitted by Parliament, as a right under the Gambling Act 2005, to open 24 hours to provide gaming machines and provide the provision of Bingo between the hours of 09:00 and 00:00.

Hammersmith & Fulham cannot lawfully impose such a policy. The policy is prescriptive, disproportionate and is not substantiated with evidence of issues relating to Bingo licensed premises to justify the proposed policy. This is an arbitrary limit proposed without evidence or reason attributable to Bingo licensed venues. The policy fails to consider each application on its own merits.

The policy has been prepared without engagement with the with industry. We are not aware of issues with the Bingo licensed premises within Hammersmith & Fulham which would substantiate such a policy.

If the Authority have concerns regarding the operation of Bingo premises upholding the licensing objectives, they have the power of review.

This proposal should be struck from the draft policy.

Yours faithfully



Poppleston Allen
0115 934 9182
e.varley@popall.co.uk

The Licensing Team
Town Hall
King Street
Hammersmith
W6 9JU

Our ref AW/KL/ENT001-7-0/7215

Your ref

By email licensing@lbhf.gov.uk

4 November 2024

Dear Sirs

Consultation on Gambling Act 2005 Policy January 2025-2028 Hammersmith

We are instructed by the Entain Group of 1 Stratford Place, Montfichet Road, London, E20 1EJ to make a comment/representation with regard to your Gambling Act 2005 draft Statement of Policy and Principles 2025-2027.

The Entain Group (“Entain”) is one of the largest operators of betting offices (Gambling Act 2005 betting Premises Licences) in the UK under the Ladbrokes and Coral brands. The total number of Ladbrokes shops in the UK is 1,285 and the number of shops operating as Coral is 1,033. In the London Borough of Hammersmith, Entain has 2 Betting Premises Licences:

1. Ladbrokes - 16 Hammersmith Broadway, London, W6 7AB
2. Ladbrokes - 1 King Street, London, W6 9HR

Background

We are aware that as a Licensing Authority you have a duty under the Gambling Act 2005 to publish a Statement of Policy at least every 3 years giving the principles which the Authority proposes to apply when exercising its statutory functions under the Act.

As you will also be aware and confirm in your draft policy, Premises Licences are subject to the requirements set out in the Gambling Act 2005 and are also subject to the default conditions set out in the Act.

In exercising your functions under the Gambling Act 2005, you as a Licensing Authority will have regard to the licensing objectives as set out in Section 1 of the Gambling Act 2005:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

We are instructed to make comments/representation specifically with regard to Paragraph 6.9 and limit our representations to that section.

Comment/Representation

As you will be aware, any applicant for a Premises Licence must hold a relevant Operating Licence issued by the Gambling Commission. It is a prerequisite of an application for a Premises Licence and the application form requires confirmation of the Operating Licence Number or the date that the application for the Operating Licence was submitted.

Any application for an Operating Licence must include policies and procedures which promote the licensing objectives and the Licence Conditions and Codes of Practice. The policies and procedures submitted will be looked at by the Gambling Commission who will only grant an Operating Licence if satisfied that the policies and procedures provided are fit for purpose. The purpose of the policies and procedures is of course to promote and be consistent with the licensing objectives.

Entain have in place detailed procedures which are not only consistent with the licensing objectives but promote the licensing objectives as well. Those policies and procedures have been in place since the implementation of the Gambling Act on 1 September 2007 and have continued to evolve since that date. Entain's policies and procedures are best practice and not simply the bare minimum required. For example they include specific suicide training for support teams; specific suicide training has not been assessed as a requirement either by our client or by the Gambling Commission for staff at shop level.

Entain also have in place extensive Local Area Risk Assessments, tailored to each individual site, pursuant to the Licensing Conditions Codes of Practice: Social responsibility code 10.1.1, and Ordinary code 10.1.2.

Representation on Paragraph 6.9

Summary

Paragraph 1.3 of the draft policy, you set out the Licensing Objectives. In Paragraph 1.4 of the draft policy, you refer to Section 153 of the Gambling Act 2005 and the principles to be applied.

In Section 3 “General Principles” of the draft policy you refer to the Gambling Act and any associated regulations applying to Premises Licences as well as specific conditions set out in the regulations.

In Section 6 of the draft policy, you refer to the Local Area Profile and in 6.5 to areas which you describe as “Gambling Vulnerability Zones”.

The subheading beneath paragraph 6.5 refers to “Cumulative Impact Areas”. This is a term which is not used in the Gambling Act 2005 or any subsequent regulations relating to the Gambling Act 2005. It is an expression which you appear to have introduced to your Gambling Act policy. As you will be aware, Cumulative Impact Areas are often referred to in Licensing Act 2003 policies, and in the Section 182 guidance set out under the Licensing Act 2003, but they are not referred to in the Gambling Act 2005 or any subsequent regulation.

You refer in Paragraph 6.7 to it being clear that the clustering of gambling premises is currently undermining one or more of the Licensing Objectives. This is not clear to us.

You refer in Paragraph 6.8 to expecting existing operators to have appropriate measures in place to address specific risks within specific areas. Please note that we do not take any issue with the wording of Paragraph 6.8. It is perfectly reasonable and acceptable for your policy to expect appropriate measures to be in place to address specific risks.

At Paragraph 6.9, you seek to introduce a radical change to your policy and introduce the following:

Within gambling vulnerability zones and the 3 cumulative impact areas, there is a policy presumption to refuse any new gambling applications for AGC, Betting Shops or Bingo premises.

Our representation is that Paragraph 6.9 is unlawful. It is contrary to, and in fact the direct opposite of, the primary legislation and the principles to be applied under section 153 of the Gambling Act 2005, and in particular the “aim to permit” approach set out in the primary legislation.

A local authority cannot in its Gambling Act Statement of Policy introduce a policy which is in complete contradiction to the primary legislation. There is no power in the Gambling Act 2005 or any subsequent

regulation for you to change the approach and principles to be applied in considering applications under the Gambling Act 2005. It would be unlawful to do so.

We repeat that we have no issue with Paragraph 6.8 and you expecting existing operators to have measures in place to address specific risks within those areas. This is lawful and the correct use of policy. Paragraph 6.9 is not lawful as it completely contradicts the principles set out in the Gambling Act 2005.

Supporting Documents

We submit with this representation a Zip file of documents as follows:

- (a) Extract from Paterson's Licensing Act - Commentary on s153 Gambling Act 2005.
- (b) Gambling Act 2005 s349 Implementation of 3 Year Policy.
- (c) Gambling Act (Licensing Authority Policy Statement) 2006 - Procedure for the policy
- (d) Guidance to Licensing Authorities; 1.24-1.38 Limits on the Licensing Authority's discretion.
- (e) Part 6 Guidance to Licensing Authority from the Gambling Commission.

Paterson's Licensing Act

As you will be aware, Paterson's Licensing Act is the leading textbook on both the Licensing Act 2003 and Gambling Act 2005 and sets out commentary on the primary legislation. In this particular instance, it repeats Section 153 Gambling Act 2005; "*In exercising their functions under this part a Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority think it;*"

Paterson's commentary continues, "*the subsection starts by imposing a general duty on the authority to "aim to permit the use of premises for gambling" and then sets out a series of 4 factors which may in any individual case qualify or override the general duty. The commentary continues to assess the "aim to permit" general principle referring to the Oxford English dictionary and other matters. You will note that the commentary states "the effect of all this is that any code of practice and any guidance to Local Authorities ought to promote the Licensing Objectives and no inconsistencies between the two should arise."* It is clear that this must also apply to Local Authority policy. There cannot be any inconsistency between the general approach set out in the primary legislation and Local Authority policy, and it would be wholly wrong and unlawful in our submission to do so.

Gambling Act 2005 s349

We attach Section 349 of the Gambling Act 2005 "3 Year Licensing Policy". This sets out in Part 18 of the Gambling Act 2005 the requirement to have in place a licensing policy.

We refer you to s349(1) which states that

A licensing authority shall before each successive period of 3 year;

(a) Prepare a statement of the principles that they propose to apply in exercising their functions under this Act. And;

(b) Publish the statement.

The Gambling Act is clear. The Statement of Principles must be principles that are applied in exercising your functions under this Act. You cannot change the functions or principles set out in the Gambling Act 2005. This is what you are seeking to do by implementing Paragraph 6.9. This is not something which lawfully a Statement of Principles/licensing policy can introduce.

Gambling Act Licensing Authority Policy Statement

We refer you to Section 5 of this document, which again makes it clear that your statement of principles/licensing policy must comply with the various sections of the Gambling Act 2005 and cannot change the primary legislation.

Guidance to Licensing Authorities

The Gambling Commission have issued clear guidance to Licensing Authorities in relation to the implementation of the Gambling Act and the principles to be applied in considering applications for new premises licences under the Gambling Act. There is nothing within the guidance which would allow you to change the primary legislation.

Part 6 Guidance to Licensing Authorities

We refer you to Paragraph 6.10 which states;

Whilst the policy statement may set out a general approach to the exercise of functions under the Act, it should not override the right of any person to make an application and to have that application considered on its merits. The exception to this is where the Licensing Authority has passed a “no casino” resolution under s166(1) of the Act, detailed in part 17 of this guidance. Additionally the policy statement must not undermine the right of any person to make representation on an application or seek review of the licence where provision has been made for them to do so.

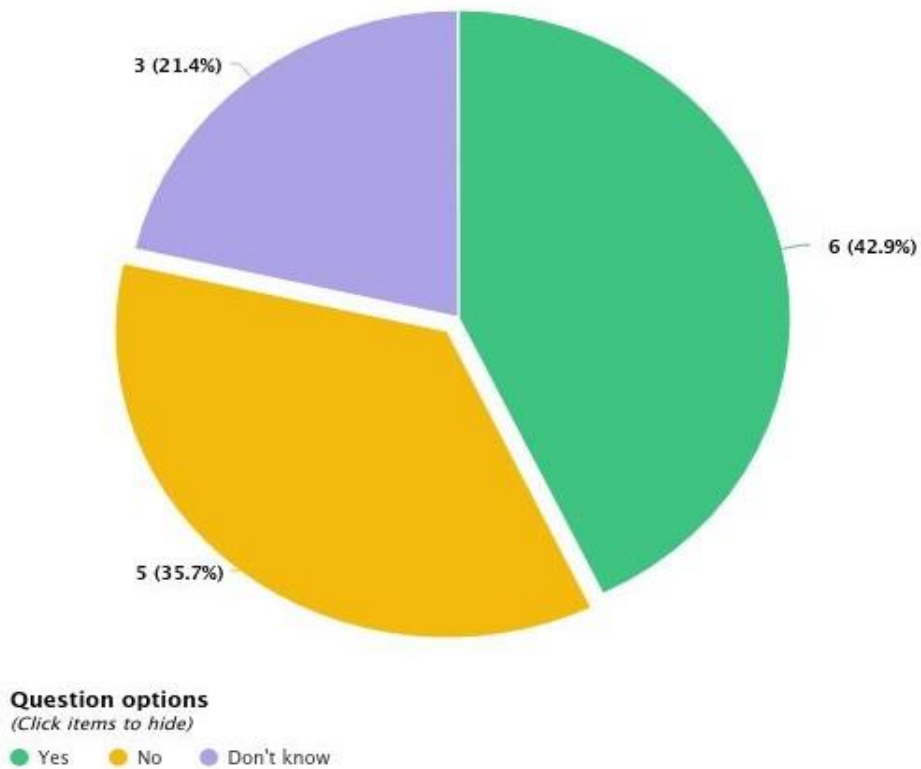
It is clear in all the documentation that you cannot change the principles set out in the Gambling Act 2005 and Paragraph 6.9 seeks to do so.

We would be grateful to receive any updates as to your implementation of this policy.

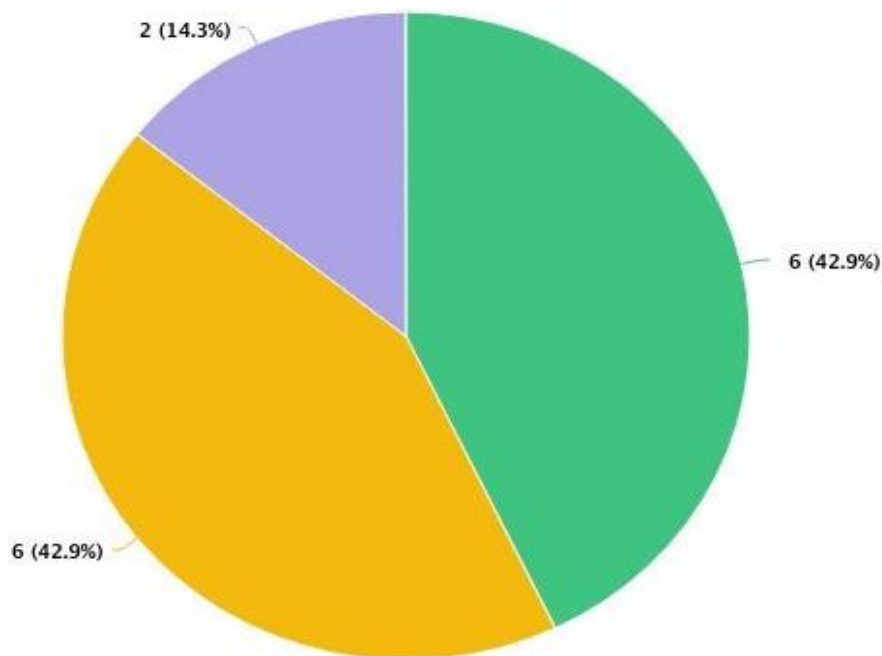
Yours faithfully

Woods Whur

Q1 One of the three licensing objectives of the Gambling Act 2005 is preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime. The council's main role is to try and promote this objective with regard to actual premises. So, where an area has known high levels of organised crime the council will carefully consider whether gambling premises are suitable to be located there and whether conditions may be required such as the provision of door supervision or reduced operating hours. Do you feel the policy does enough to promote this objective?



Q2 One of the three licensing objectives of the Gambling Act 2005 is ensuring that gambling is conducted in a fair and open way. This objective is generally addressed by the Gambling Commission, via operating and personal licences. The council will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information. Do you feel the policy does enough to promote this objective?

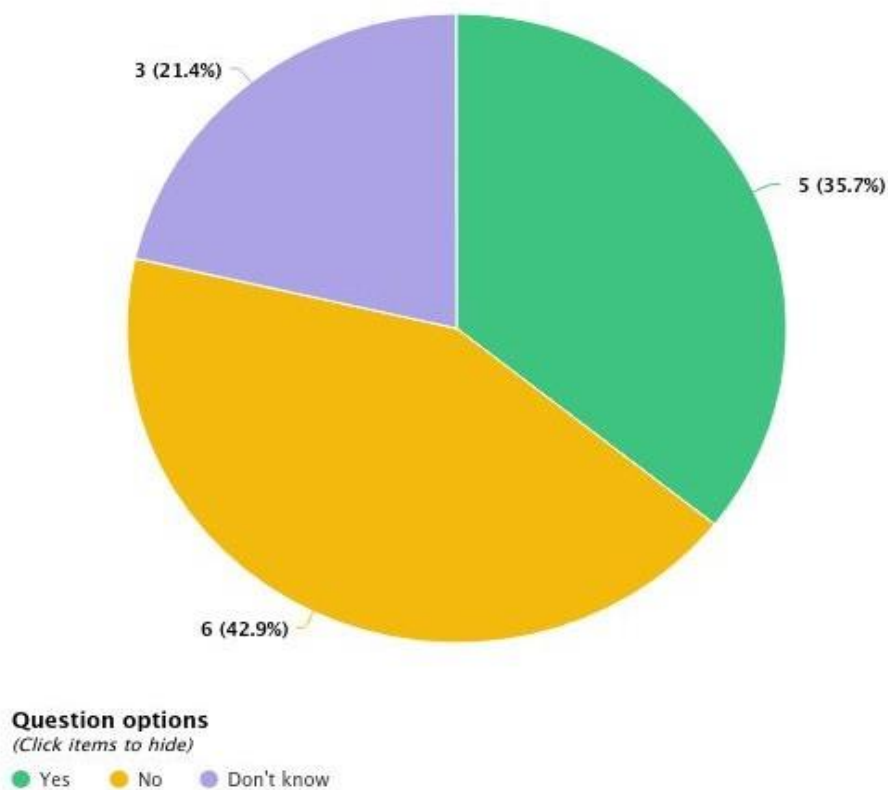


Question options

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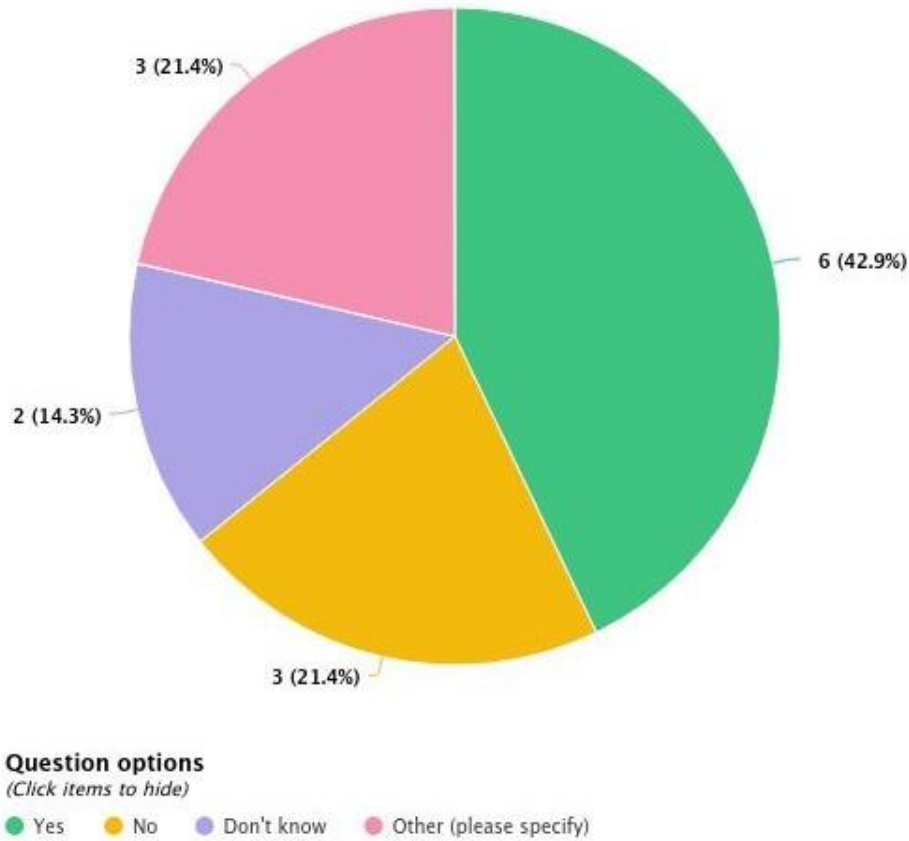
- Yes
- No
- Don't know

Q3 One of the three licensing objectives of the Gambling Act 2005 is protecting children and other vulnerable persons from being harmed or exploited by gambling. This licensing objective seeks to prevent children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc. The council will pay particular attention to any Codes of Practice which the Gambling Commission issues regarding this licensing objective. Do you feel the policy does enough to promote this objective?



Q4 A proposal has been made to retain the council's long standing 'no casino'

resolution, but to allow flexibility to possibly remove this in future. Do you agree with this proposal?



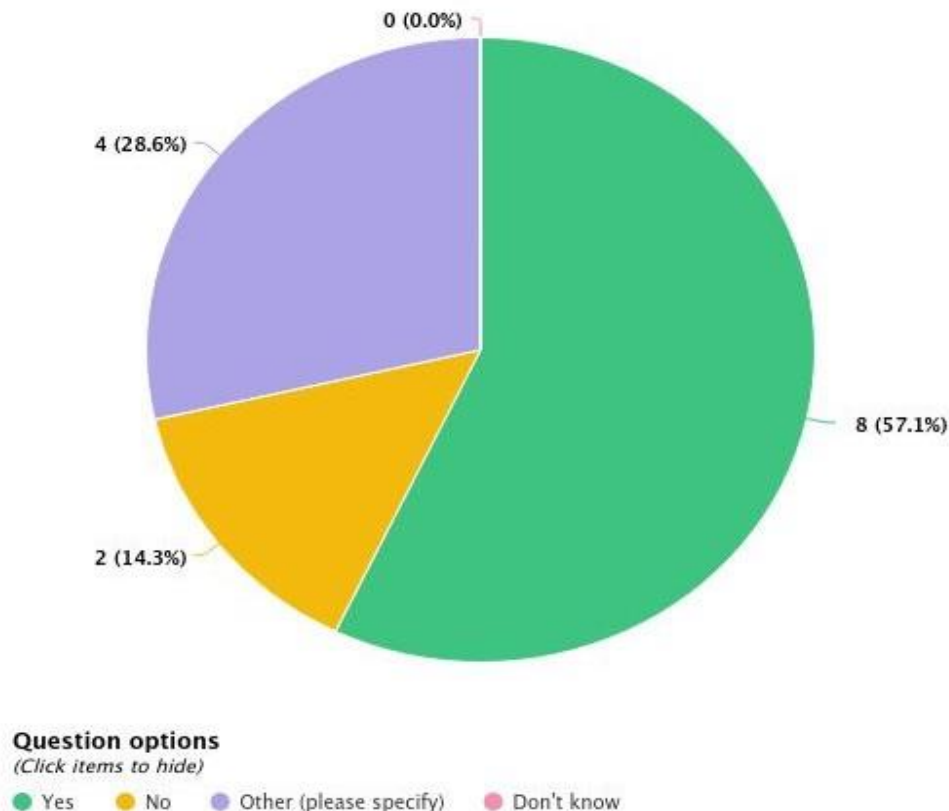
Q4 - Other Comments

Anonymous - 11/01/2024 11:20 AM - Remove flexibility to remove in future

Anonymous - 11/01/2024 06:03 PM - No casino ever!!!!

Anonymous - 11/01/2024 07:12 PM - Keep the long standing 'no casino'. No gambling in H&F

Q5 Our new local area profile includes information on 5 gambling vulnerability zones which have been identified as some of the most vulnerable areas of the borough (more information on these areas is included in the local area profile attached to this consultation). Our proposed policy suggests that any new applications for adult gaming centres, betting shops or bingo premises should be refused in these areas. Do you agree with the introduction of vulnerability zones, and the proposal to refuse applications in these areas ?



Q5 - Other Comments

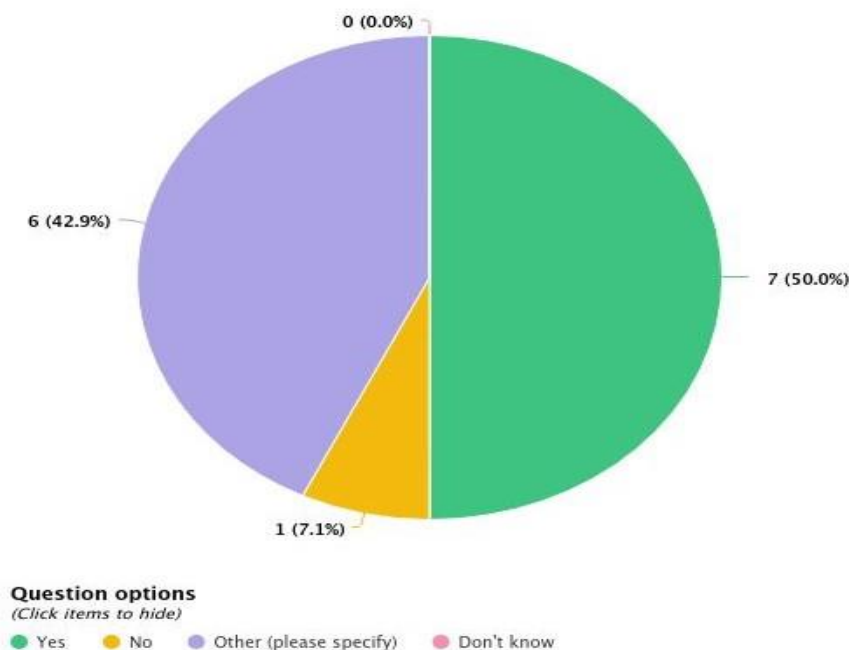
Anonymous - 10/26/2024 10:47 AM - There should be an aspiration to reduce the number of centres.

Anonymous - 11/01/2024 11:20 AM- Yes, although I would be more in favour of refusing all applications throughout the borough.

Anonymous- 11/21/2024 10:46 AM - No - please see written response sent to you via email on 21.11.2024

Anonymous - 11/22/2024 01:24 PM - See written response of MERKUR Slots UK Limited sent to the Licensing Authority on 22.11.2024.

Q6 A suggestion has been made to introduce the principle of cumulative impact into the current policy, to try and address the clustering of gambling premises in the borough. There are now three proposed cumulative impact areas outlined in the new Local Area Profile. Our proposed policy also explains that we would look to refuse any new applications for adult gaming centres, betting shops or bingo premises in these areas. Do you agree with the introduction of these cumulative impact areas in the revised policy and our local area profile ?



Q6 - Other Comments

Anonymous - 10/26/2024 10:47 AM -There should be an aspiration to reduce the number of centres.

Anonymous - 11/01/2024 11:20 AM - Yes, although I would be more in favour of refusing all applications throughout the borough.

Anonymous - 11/01/2024 06:03 PM -There are too many betting shops period. Winnings should be taxed if they must remain!!!

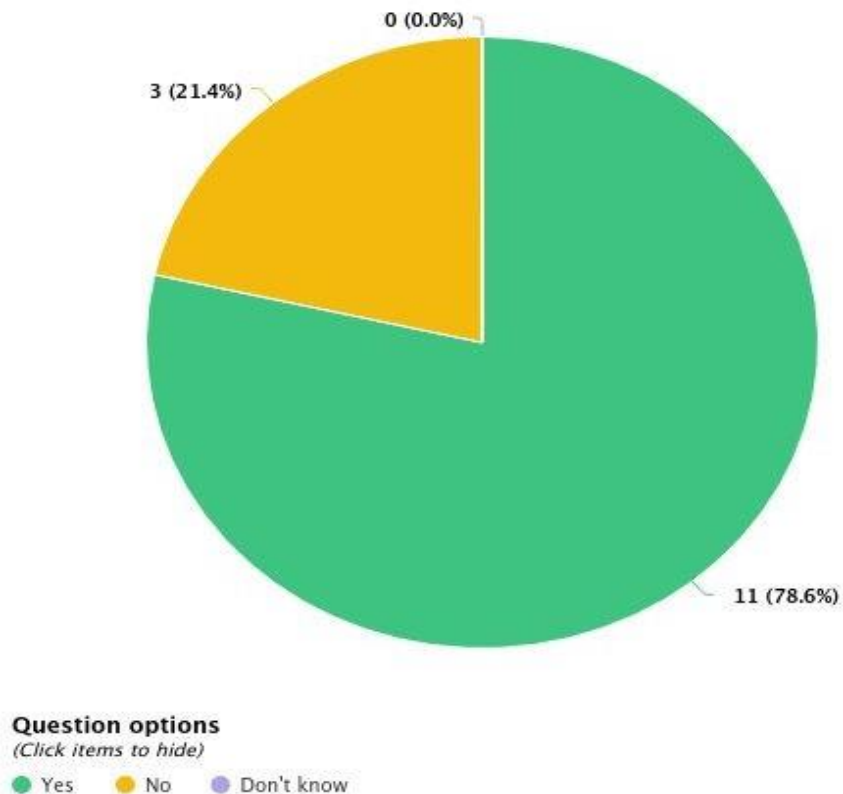
Anonymous - 11/02/2024 05:39 PM - None of these proposals go far enough. I would like to see a total ban on ALL advertising for gambling. I would particularly prefer a total ban on all television advertising for gambling

Anonymous - 11/21/2024 10:46 AM - No - please see written response sent to you via email on 21.11.2024

Anonymous - 11/22/2024 01:24 PM - See written response of MERKUR Slots UK Limited sent to the Licensing Authority on 22.11.2024.

Appendix 5

Q7 A proposal has been made to reduce the terminal hour for Adult Gaming Centres and Bingo premises to 10pm. Any premises wishing to operate after this time would be asked to provide a robust risk assessment, and also commit to employing more than one member of staff after 10pm. This proposal has been suggested to try and combat an issue with crime linked to lone working in these type venues. Do you think that it is a good idea to include this proposal in the revised policy?



Q8 Please add any other comments you wish to make regarding the proposed changes to the current Statement of Gambling Policy, or the Gambling Act itself. When submitting any comments on the revised policy, please include reference to the paragraph numbers, where possible. Please be aware that all responses are made publicly available. If you intend to include information of a commercially sensitive nature, please make sure this is clearly stated.

- *Anonymous - 10/25/2024 11:40 PM - I feel some areas like Uxbridge road and king street just have too many gambling/casino shops, not making the areas inviting for a broader public looking for better quality entertainment (restaurants, cafes, local shops). I do think there should be a limit on how many of those shops are available in an area to give room to other things and enhance the economical and safety of those*
- *Anonymous - 10/26/2024 10:47 AM - There are gambling scourges within society which LBHF can do nothing about, in particular TV advertising. But can LBHF do anything about the advertising at football grounds?*
- *Anonymous -10/28/2024 11:38 PM - N/A*
- *Anonymous - 11/01/2024 11:20 AM -I am in favour of the borough refusing all applications, and working to remove existing gambling remises.*
- *Anonymous - 11/01/2024 06:03 PM - Gambling winnings should be taxed*
- *Anonymous - 11/01/2024 07:12 PM - We already have too many gambling places on King's road. Close to each other too. One vulnerable person could walk from one to the next. Dangerous and not what we want in our neighbourhood*
- *Anonymous -11/02/2024 10:00 AM - n/a*
- *Anonymous - 11/02/2024 05:39 PM -Gambling must prevented from becoming an addiction.*
- *Anonymous Resident - 11/03/2024 04:59 PM - In paragraph 7.32, I believe children should not see any advertisements/marketing on gambling premises. For example anything that promotes particular bets with particular odds or winnings. In Annexes 3-5, I was not able to find the local area profile by following the link given.*
- *Anonymous - 11/04/2024 11:38 AM -Question 1., above, is expressed in such a way that the onus is solely on the Council to promote this Gambling Act Objective. It states, "The council's main role is to try and promote this objective with regard to actual premises." Why is the Gambling licence holder not also responsible for promoting this objective? Perhaps the sentence needs to be rewritten? If not, it should be edited to say 'to try to promote'/or even better, simply, '... main role is to promote this objective'.... . -Point 2.3 of the draft Statement states that there are 16 wards. This is incorrect; there are 21 wards since 2020. "Hammersmith & Fulham is split into 21 local council wards as agreed by the Local Government Boundary Commission for England in June 2020." -Perhaps include the Ward Map in the Annex. "Hammersmith & Fulham is split into 21 local council wards as agreed by the Local Government Boundary Commission for England in June 2020." https://www.lbhf.gov.uk/sites/default/files/section_attachments/hf_ward_boundaries_with_street_names_update -Point 12 of the draft Statement mentions 'covid pandemic'. I understand that this should be officially referred to as COVID-19 See*

gov.uk style guide <https://www.gov.uk/guidance/style-guide/a-to-z> It states: COVID-19 Upper case. Do not use: 'Covid-19' with only the first letter capitalised 'covid-19' lower case 'coronavirus' as 'COVID-19' is the specific condition -The Annex 3 Business Intelligence Service Local Area Profile Report is a most useful document. Thank you for it. The Licensing Act 2003 Licencing Committee needs a similar report to better view the hot spots related to licensed premises in H&F. -Around Fulham Broadway and North End Road, we have far too many gambling, slot machine and track betting shops that attract people from outside of the local community. These shops also support crime. For instance, the Bettfred at 47 Fulham Broadway SW6 1AE is well known for harbouring shoplifters who hang out there waiting for deliveries of 'bags' from shoplifters, and then the 'runners' move on to sell to small off-licences. The runners as well as the shoplifters use Bettfred as a sort of headquarters, inside and outside. The Police are fully aware of this. The now closed Whole Foods across the street was a huge victim of this ring of thieves with several thousands of Pounds of alcohol, cheese, salmon, fresh meat stolen weekly (The bandits disappeared during COVID-19 but reemerged as the local economy started opening up once more). -Sadly, throughout the document there are many typos and words slung together that need at least a word/spell check, let alone a style/grammar check. -Prepositions seem to disappear in Council documents. Take for example the question 7, above, last three words; it should read 'these types of venues', not 'these type venues'. Even better might be, 'such venues'. But why the word 'venue'? The second sentence mentions 'premises'. -Young adults need far more protection, somehow, from becoming involved in gambling in their local area. Thus, the idea of vulnerability zones is an excellent one, as long as these defined zones and their policies are robust and supremely effective; unfortunately for the local community, the gambling industry has powerful solicitors who know how to get around efforts by Councils to define such zones. The language and requirements need to be somehow far more robust to insure that they will work for the good of the local residents, and especially in favour of protecting those under the age of 18. - There is no place to give you my email so that you can confirm receipt. This is a requirement of a legal consultation, is it not?

- Anonymous - 11/18/2024 04:11 PM -Why will the council not do anything about the proceeds of crime rather than just gambling. Every Hugh street in the borough is full of money laundering businesses, nail bars, barbers, convenience stores, even Butchers now, this needs action
- Anonymous - 11/21/2024 10:46 AM - Please see written response sent to you via email on 21.11.2024
- Anonymous - 11/22/2024 01:24 PM - Please see written response of MERKUR Slots UK Limited sent to the Licensing Authority on 22.11.2024.
- Anonymous - 11/22/2024 03:28 PM - Separate detailed comments sent to licensing

Appendix 6

Summary of changes made to the current 2022 Statement of Gambling Policy (SGP)

Section of the SGP	Changes made prior to public consultation
Paragraph 1.1	Simplified wording clarifying the requirement for local authorities to have a statement of gambling policy
Paragraph 1.2	Updated and expanded list of responsibilities under the Gambling Act 2005
Paragraph 1.4	Expanded information in relation to the requirements set out in Section 153 of the Gambling Act 2005
Paragraph 3.6	Updated to reflect latest Gambling Commission Guidance
Paragraph 3.7	Updated to reflect latest Gambling Commission Guidance
Paragraph 5.1	Removal of unnecessary wording in relation to licence conditions
Paragraph 5.2	Further guidance on how the Council will treat licence conditions
Paragraph 6.1	Revised description of a new Local Area Profile
Paragraph 6.2	Revised description of a new Local Area Profile
Paragraph 6.3	Addition of extra information in relation to Local Area Risk Assessments
Paragraph 6.5	New section outlining the introduction of Gambling Vulnerability Zones
Paragraph 6.6 - 6.8	New section outlining the introduction of Cumulative Impact Areas
Paragraph 6.9	New section explaining the policy presumption within Gambling Vulnerability Zones or Cumulative Impact Areas
Paragraph 6.15	Amendment to suggested terminal hour for AGC and Bingo premises
Paragraph 6.17	Amendment to suggested time when door supervisors should be used
Paragraph 16.1	Updated wording in relation to AGCs and FECs
Annex 3	New Local Area Profile, to replace previous map, and to be accessed via a web link contained within the policy

Central West BCU
London Borough of Hammersmith & Fulham

Cristina Perez
Licensing Policy and Administration Team Leader
Licensing
Place Department
Hammersmith & Fulham Council

Hammersmith Police Station
Shepherds Bush Road
London
W6 7NX

29th October 2024

Dear Cristina,

Response to the consultation for the H&F Gambling Policy 2025-2028

Thank you for informing the Metropolitan Police Service of the consultation process Hammersmith & Fulham Council is currently undertaking regarding the renewal of the Gambling Policy.

Having reviewed the policy, I'd like to highlight the following two opinions.

Gambling Vulnerability Zones/Cumulative impact areas

We would be supportive of this addition in policy by H&F. It is noted that there is a vulnerability index that has been developed which has identified high risk areas in H&F. This is supported by the police as it has helped identify the cumulative impact areas. The police support the action taken within these areas to ensure the operators take measures to ensure at the premise addresses any risk and the presumption that any new applications in these areas will be declined.

Adult Gaming Centres

This area of the Gambling Act causes the most concern on an operational basis for frontline policing. This is due to the association of both crime and public nuisance associated to late night and 24/7 operations. As mentioned in the policy there is a particular concern about venues of this sort around Shepherds Bush and North end road and the associated ASB and crime. The proposal to limit these AGCs to a terminal hour of 2200hrs are fully supported by police.

If further explanation or comment is required, please do not hesitate to contact my team or me.

Yours sincerely,

Sergeant Gareth O'Brien
Licensing Department
Central West BCU – Hammersmith & Fulham

Document is Restricted

STATEMENT OF GAMBLING POLICY

JANUARY 2025 – JANUARY 2028

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

This revised Statement of Gambling Policy will take effect from the 22 January 2025.

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

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

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

All references to specific paragraphs in the Gambling Commission Guidance relate to the 6th edition published in April 2021 (updated in April 2023). A copy of this version is available on the Council's website. Further editions of the Guidance may be published throughout the duration of this Statement of Gambling Policy.

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1 Introduction

- 1.1 Under section 349 of the Gambling Act 2005 (the Act) the Council must publish a statement of principles which it proposes to apply when exercising its functions under the Act. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.
- 1.2 The Gambling Commission is responsible for granting operating and personal licences for commercial operators and personnel in the industry. Under the Gambling Act 2005, our responsibilities include the following:
- a) casino premises;
 - b) bingo premises;
 - c) betting premises, including tracks and premises used by betting intermediaries;
 - d) adult gaming centre (AGC) premises (for category B3, B4, C and D gaming machines);
 - e) family entertainment centre (FEC) premises (for category C and D machines) – we may also issue a FEC gaming machine permit, which authorises the use of category D machines only;
 - f) gaming machine permits;
 - g) prize gaming permits;
 - h) club gaming and club machine permits;
 - i) unlicensed family entertainment centre permits;
 - j) travelling fairs;
 - k) temporary use notices;
 - l) occasional use notices;
 - m) small society lottery registrations.
- 1.3 Under the Act, we must consider the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - b) making sure that gambling is carried out in a fair and open way; and
 - c) protecting children and other vulnerable people from being harmed/exploited by gambling.
- Under the Gambling Act 2005 ‘child’ means an individual who is less than 16 years old and ‘young person’ means an individual who is not a child but who is less than 18 years old.
- 1.4 Under section 153 of the Act, when making decisions about premises licences and temporary use notices, we should allow the premises to be used for gambling if we think it is (amongst other things):
- in line with any relevant code of practice and guidance issued by the Gambling Commission; and
 - in line with the principles set out in this policy and consistent with the licensing objectives.

Section 153 of the Act in full provides as follows:

153 Principles to be applied

- (1) In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it—
 - (a) in accordance with any relevant code of practice under section 24,
 - (b) in accordance with any relevant guidance issued by the Commission under section 25,
 - (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
 - (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).
- (2) In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.
- (3) This section is subject to section 166.

1 Licensing Authority Functions

1.5 Under the Act, we must be responsible for licensing premises where gambling activities are to take place by:

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

2 The Borough

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

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

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

2.5 When producing this statement, we have considered:

- local crime prevention;
- the licensing policy;
- our planning, transport, tourism and cultural strategies;
- complaints received
- night-time economy and the industrial strategy
- housing strategy
- our equal opportunities policy; and
- our public health duties and the pandemic.

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

- The Police
- Trade Associations
- Residents' Associations
- Businesses via Council and Town Centre contacts
- Fire Authority
- Ward councillors
- Neighbouring authorities
- Trading Standards
- Environmental Health
- Chamber of Commerce
- Director of Public Health
- Planning Authority
- Safeguarding Adults Board
- Community Safety Partnership
- Other relevant people who could be affected by this policy

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

2.8 There are a range of [statutory application forms and notices](#) that licensing authorities are required to use as part of our gambling licensing responsibilities. A summary list of these can be found in [here](#).

3 General principles

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

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

Multiple licences and separation of different premises

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

3.5 If more than one application is received for premises licences in a single building, we will make a decision on whether the proposed premises are genuinely separate to the extent that they merit their own licence and are not an artificially created part of what is readily identifiable as a single and separate unit. A decision

of this nature will be taken by the licensing sub-committee.

When determining whether two or more proposed premises are separate, we will take a number of factors into account. Depending on the specific circumstances of the case these may include:

- Do the premises have different postal addresses?
- Is a separate registration for business rates in place at the premises?
- Are the neighbouring premises owned by the same person or not?
- Can each set of premises be accessed by different entrances from the street or a public passageway?
- Can the premises be accessed only from another gambling premises?
- How are the premises separated? Are any partitions fixed, of full height and transparent in any part?

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

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

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

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

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

3.7 The Gambling Commission's Guidance states at paragraph 7.59 that premises licence applications may be made in the following circumstances. *"As the Court has held in a 2008 case (The Queen (on the application of) Betting Shop Services Limited –v- Southend-on-Sea Borough Council [2008] EWHC 105 (Admin)), operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place"*

Paragraph 7.60 states, “It may be sufficient to simply issue the licence with a future effective date, as is possible under the Regulations (SI 2007/459: The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 ...”

Plans

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

The Regulations state that plans shall contain the following information:

- the extent of the boundary or perimeter of the premises
 - where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
 - where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
 - where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
 - the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.
- 3.9 In line with the Gambling Commission’s guidance for local authorities, we will pay particular attention to protecting children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder. This would include incidents, or suspected incidents, of modern slavery or child sexual exploitation. We welcomed the [ABB Code for Responsible Gambling and Player Protection](#), and recommend [Gamcare certification](#) to gambling operators in this borough. We expect all operators of gambling premises to fully comply with the [Gambling Commission’s Licence Conditions and Codes of Practice \(LCCP\)](#).
- 3.10 When determining premises licence applications and when inspecting premises we will consider the [Gambling Commission’s codes of practice provisions](#). The codes specify a number of requirements related to social responsibility issues, for example, protection of the young and vulnerable, in relation to access for children into Gambling premises, their policies and procedures designed to prevent underage gambling, and how they monitor the effectiveness of these.

Planning Considerations

- 3.11 We will try to avoid repeating any work already carried out under other regulatory schemes where possible, including planning. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. However, we will carefully consider any concerns about conditions which are not able to be met by licensees due to planning restrictions.
- 3.12 The Gambling Commission’s Guidance to Licensing Authorities states:

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

‘7.65 - When dealing with a premises licence application for finished buildings, the licensing authority

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

The Licensing Authority is aware that the Government introduced additional planning controls in relation to betting offices, removing them from Class D2 use to a 'sui generis' use. This means that Betting Shops have been taken out of the planning 'use' classes and will need to receive planning approval. This has enabled Planning Authorities to exercise stricter controls over these uses, and this Authority would expect applicants for new Gambling Premises Licences to have been granted permission to use prospective premises for the proposed operation subject of the licence application.

4 Premises Licences

- 4.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must [apply to the Licensing Authority for a premises licence](#).
- 4.2 For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the Council's opinion that all gambling premises, whether subject to an application or currently licensed, must operate primarily in the use of the licence type applied for or issued.
- 4.3 A premises licence issued by the Licensing Authority will be subject to mandatory and/or default conditions and conditions imposed by the Council. The Council may consider that conditions, other than the mandatory or default conditions, are necessary to ensure that the premises operate in a manner that is reasonably consistent with the licensing objectives, the Commission's [Codes of Practice](#) and/or [local authority guidance](#), and this Statement of Gambling Policy.
- 4.4 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Act authorises the provision of gambling facilities for the following types of premises licences: (For definitions of categories of gaming machines, see the glossary at section 25 of this policy)
- casino premises
 - bingo premises
 - betting premises, including tracks and premises used by betting intermediaries
 - adult gaming centre premises (for category C and D machines)
 - family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).
- 4.5 In betting premises, the primary activity will be betting, with gaming machines as an ancillary offer on the premises. As far as betting or bingo premises licences are concerned the [Gambling Commission's Licence Conditions and Codes of Practice \(LCCP\)](#) sets out the requirements on the operator to ensure that premises operate within the terms of the Act and the relevant conditions.

4.6 The Council will make decisions having regard to the Commission's view on primary gambling activity and will expect applicants to operate premises in line with the [Commission's Guidance](#) and conditions on their operator's licence. The Council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to demonstrate that the premises are intended to be used for the primary gambling activity proposed. For example, a betting premises licence application that only has 4 gaming machines, but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

5 Conditions

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

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

5.2 We will make decisions on individual conditions, on a case-by-case basis, although there will be a number of measures we will consider using if necessary, such as using door supervisors, appropriate signs for adult-only areas and so on. We will also expect you to offer suggestions as to how you will meet the licensing objectives effectively. Where we engage any discretion with conditions, we will always ensure that it is exercised proportionately, having regard to the LCCP conditions which apply.

5.3 We will also consider specific measures which may be needed for buildings which have more than one premises licence. These may include supervising entrances, separating gambling from non-gambling areas used by children, and supervising gaming machines in non-adult gambling premises to achieve the licensing objectives. Noise, nuisance and disturbance are often linked to late night licensed premises and can often be linked, or be a precursor to, disorder. Although we recognise that nuisance is not mentioned as a Licensing Objective, the fact that it can be closely related to disorder can be a cause for concern when dealing with gambling premises applications and, in particular, applications to operate gambling premises late at night.

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

Door and Windows

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

Signs and Announcements

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

asking them to leave the premises promptly and quietly.

Speakers

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

5.5 Such conditions will only be considered where there is evidence to suggest that the licensing objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, is not being promoted for a specific premises and the imposition of such conditions are necessary to promote this licensing objective.

6 Local Area Profile

- 6.1 A newly revised local area profile was produced in October 2024 and has been attached as a separate document to this policy at Annex 3. This document may need to be reviewed and updated from time to time as the local environment evolves over the lifetime of this policy. We must therefore retain the ability to review and quickly update the local area profile so that we remain aware of the current and emerging risks.
- 6.2 This document contains the location of all schools, hostels, health services, children's centres, and hotspots of anti-social behaviour (ASB). This Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of ASB, hostels/homes for vulnerable people and centres for people with a gambling addiction. The Authority will also pay particular attention to areas where children, young people and families congregate, and areas of high vulnerability and deprivation. This document will be periodically updated and will be publicly available on the [Hammersmith and Fulham Council website](#).
- 6.3 Irrespective of the area where an application is made, this Authority will always expect applicants to fully explain in their local area risk assessment how their proposal will not exacerbate any problems to individuals living in the vicinity or exacerbate any ASB problems within the vicinity generally. The local area risk assessment enables an applicant to identify risks posed by the gambling facilities provided and to detail policies, procedures and control measures in place to mitigate the risk.
- 6.4 Additional conditions may also be required where there is evidence that the policies, procedures and control measures contained within the risk assessment do not adequately address the risk posed by the provision of gambling facilities proposed. They should have the appropriate numbers of trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business. This Authority fully supports any 'Bet Watch' or similar schemes within the borough. This Authority expects operators of relevant premises to actively participate in the scheme in order to demonstrate their commitment to protecting vulnerable people from gambling harm.

Gambling Vulnerability Zones

6.5 Our local area profile has identified 5 high risk areas known as "Gambling Vulnerability Zones". These areas

are rated in the top 40% of a vulnerability index developed by Hammersmith and Fulham's Business Intelligence team in 2023. The risks in these areas are driven by a number of factors including deprivation, youth unemployment, household income and lone parent households, amongst others. More information on these areas is included on pages 8 to 12 of the borough's local area profile available at Annex 3 .

Cumulative Impact Areas

- 6.6 At the time of publishing this statement it is evident that there is a clustering of gambling premises in the Shepherd's Bush, Hammersmith and Fulham (north end road) areas – these areas have been highlighted as three "Cumulative Impact Areas" on pages 18 and 19 of our local area profile.
- 6.7 It is clear from the information provided in the local area profile that the clustering, or cumulative impact, of gambling premises is currently undermining one or more of the licensing objectives. In particular, the most recent local area profile has shown that these areas have the highest levels of Crime and ASB in the borough. It should also be noted that all three of these areas are also partly, or wholly, within one of the five gambling vulnerability zones mentioned above.
- 6.8 Within gambling vulnerability zones and Cumulative Impact Areas, we would expect existing operators to have appropriate measures in place to address the specific risks within those areas. More information on considerations for local risk assessments and appropriate conditions are included in section 6.12 and 6.13 below.

Policy presumption of refusal within Gambling Vulnerability Zones and Cumulative Impact Areas

- 6.9 Within Gambling Vulnerability Zones and the three Cumulative Impact Areas, there is a policy presumption to refuse any new gambling applications for AGC, Betting Shops or Bingo premises, except in exceptional circumstances.

Local Risk Assessments

- 6.10 Applicants should always be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their Local Risk Assessment (LRA) how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people or proximity to churches, mosques, temples or any other place of worship. Religious premises and places of worship often support vulnerable members of the local community, including the homeless community and youth population and have therefore been included in this policy, rather than for any moral or ethical reasons.
- 6.11 If the authority does not feel that risks have not been identified or adequately addressed then an applicant would be invited to reconsider the risk assessment submitted. Some publicly available sources of information to assist in operators completing a Local Risk Assessment (LRA) include:
- (a) the [latest crime statistics and advice](#);
 - (b) [Office for National Statistics](#) for local neighborhood information;
 - (c) Relevant websites or publications by any of the [Responsible Authorities](#);

- (d) Information leaflets and helpline numbers, from organisations such as [GamCare](#) and [GambleAware](#), for customers who may have a gambling addiction.
- (e) [The National Gambling Treatment Service](#) who work with, and alongside, the National Health Service (NHS). It provides telephone, on-line and face-to-face treatment for individuals and groups via a network of NHS trusts and voluntary sector organisations.

6.12 This Authority will expect applicants for the new grant of, or variation to an existing, licence to also submit their LRA to comply with the [Licence Conditions and Codes of Practice \(LCCP\) - Social Responsibility \(SR\) code 10.1.1 and Ordinary code provision 10.1.2](#). Additional licence conditions will only be considered where there is evidence that gambling premises in a particular area will exacerbate the risk of harm to vulnerable, and young, people, and where there is evidence that they are necessary in order to promote the licensing objectives. There is no presumption that because a gambling premises is proposed to be located in a specific location that there will be a need for additional licence conditions, or that an individual application will be rejected. We strongly recommend that operators of licensed premises keep their Local Risk Assessments on the individual licensed premises and ensure that it is available for inspection.

The [LCCP](#) also states that a LRA must also be submitted when changes in the local environment or the premises warrant a LRA to be conducted again. This may be where:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area.
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels, religious places, places of worship or gambling or mental health care/ support facilities are opened in the local area).

The Authority will expect the local risk assessment to consider:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children and young people will congregate such as youth clubs, parks, bus stops, cafés, shops, entertainment venues such as cinemas, bowling allies and any other place where children are attracted.
- the demographics of the area in relation to vulnerable groups.
- whether the premises is in an area subject to high levels of crime and/or disorder, including areas that are prone to youths participating in antisocial behaviour, e.g. graffiti/tagging or underage drinking.
- the nighttime economy in our town centres so that it is sensitive to local residents but enhances the borough as a destination for inward investment, tourists and visitors.
- how women can be kept safe through support for the Women's Night Safety Charter, which the council has signed up to.
- how vulnerable people, including people with gambling dependencies are protected.
- assessing staffing levels when a local college closes and the students begin to vacate the grounds.
- age verification policies such as 'Challenge 25'.
- How joining schemes such as Bet Watch could help reduce crime and antisocial behavior.
- line of sight from the counter to gambling machines.
- information held regarding self-exclusions and incidences of underage gambling.
- gaming trends that may mirror days for financial payments such as pay days or benefit payments.

- The impact of the covid pandemic on gaming trends and on operational risks.
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, religious places, places of worship, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.

6.13 Appropriate licence conditions may be as follows:

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

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

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

6.15 The licensing authority expects opening hours for premises to be specified only in applications where hours are not already specified by the default conditions. The licensing authority also suggests that that the terminal hour for AGC and Bingo premises should be limited to 22:00. Any such premises wishing to operate after this time would need to provide a robust risk assessment and also commit to employing more than one member of staff after 22:00.

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

Door Supervisors

6.17 We may consider whether door supervisors are needed to meet the licensing objectives of protecting children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing

premises becoming a source of crime. In particular, we would expect the appropriate numbers of door supervisors to be employed at premises where alcohol is sold or operates beyond 22:00. We may feel it necessary to add specific conditions in relation to door supervisors, particularly where the door supervisors do not have to be registered with the Security Industry Authority (SIA). These conditions may include:

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

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

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

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

7 Responsible authorities

7.1 The responsible authorities as defined by the Act are listed in the glossary under section 25 of this policy.

7.2 Contact details of all the responsible authorities under the Act can be obtained from our [website](#).

7.3 We must set out the principles we will apply when naming an organisation which will be able to advise us on protecting children from harm. The principles are that the organisation must be:

- responsible for an area covering the whole of the licensing authority's area; and
- be answerable to elected people, rather than any group with an interest in gambling.

7.4 We appoint the [Local Safeguarding Children Partnership](#) (LSCP) for this purpose.

8 Relevant representations and interested parties

8.1 Interested parties can comment on licence applications or apply for a review of an existing licence. Interested parties are defined in section 158 of the Act as follows: 'For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- has business interests that might be affected by the authorised activities; or
- represents persons who satisfy paragraph (a) or (b).'

8.2 The Gambling Commission has recommended that we make it clear that interested parties include trade associations and trade unions, and residents' and tenants' associations ([Gambling Commission guidance for](#)

[local authorities 8.16 and 8.17](#)). However, we will not generally view these organisations as interested parties unless they have a member who can be classed as an interested person under the terms of the Act (that is, lives close enough to the premises or has business interests that might be affected by the activities being applied for).

- 8.3 Interested parties can be people who are democratically elected such as Councillors and MPs. We will not need specific evidence of them being asked to represent an interested person as long as the Councillor or MP represents the ward that is likely to be affected. Other than that, however, we will generally need written evidence, e.g. a letter, that a person or organisation ‘represents’ someone who either lives close enough to the premises to be likely to be affected by the authorised activities or has business interests that might be affected by the authorised activities.
- 8.4 If people want to approach Councillors to ask them to represent their views, they should be careful that the Councillors are not part of the licensing committee dealing with the licence application. Councillors may be restricted in representing constituents under the members’ code of conduct in cases where they have a particular interest. Please [contact us](#) if there are any doubts.
- 8.5 We will decide each case individually. We will not apply a strict rule when making decisions. We will consider the Gambling Commission’s guidance for local authorities should we need any clarity regarding the validity of any particular representations.
- 8.6 Representations will not be accepted if they do not relate to one or more of the three licensing objectives (as set out in section 1.3 of this policy). ‘Frivolous’ or ‘vexatious’ representations will not be accepted as valid.
- 8.7 Environmental issues such as noise or light pollution cannot be considered under the Act as they do not relate to the licensing objectives. Issues of this type can be considered under the Environmental Protection Act 1990 and should be reported to the Council’s Noise and Nuisance team [online](#), or on 0208 753 1081 or by email to: noise@lbhf.gov.uk.

9 Reviews

- 9.1 An interested party or a responsible authority (see the glossary at section 25 for a list of relevant responsible authorities) may apply to the Council to review a premises licence. Such reviews can be made in relation to, amongst other things;
- i) if there are repeated incidents of crime and disorder associated with the premises, or the gambling activity, which the premises operator has failed to adequately address,
 - ii) where incidents that have adversely affected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been taken account of,
 - iii) if the premises is either attracting children or people likely to be involved in crime and disorder, e.g. modern slavery or child sexual exploitation, due to the activities being undertaken.

An application to review a premises licence may be made requesting that conditions relating to age verification policies are applied to the licence where an underage test purchase has been made.

- 9.2 As a review of a premises licence can lead to its revocation, the Council will consider what informal action

has been undertaken by the applicant, or the licence holder, prior to the review application being made. The Council accepts that an application for review may be appropriate without informal measures first being requested by an applicant but will actively encourage appropriate alternative forms of action being considered prior to review applications being made.

9.3 Our decision will be based on whether the request for the review:

- raises an issue related to any [relevant code of practice](#), any relevant [guidance issued by the Gambling Commission](#), the licensing objectives or this statement;
- is frivolous or vexatious;
- could possibly lead to a decision to alter, revoke (withdraw) or suspend the licence; or
- raises grounds that are substantially the same as, or different from, grounds within an earlier request for a review or from representations made in relation to the application for the premises licence.

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

10 Enforcement

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

- understand and minimise negative economic impacts of our regulatory activities;
- minimise the costs of compliance for those we regulate;
- improve confidence in compliance for those we regulate, by providing greater certainty; and
- choose proportionate, transparent and effective approaches to encourage and promote compliance

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

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

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

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

- 10.5 We will investigate complaints about licensed premises in relation to the licensing objectives or offences under the Act. If it is not appropriate for you to raise the complaint directly with the licence holder or business concerned to try and find a solution, please [contact us](#) for advice or information. There may be circumstances where the premises may be operating in a way that could result in enforcement action, e.g. a complaint in relation to criminal activities or that it is being used by children. In these circumstances we would recommend that you provide us with this information directly rather than speaking with the licence holder or business concerned. We can then refer the information to the appropriate authority for further investigation or for information.
- 10.6 This Licensing Authority recognises that certain bookmakers have several premises within its area. In order to ensure compliance issues are recognised and resolved at the earliest stage, the Licensing Authority will contact the [Primary Authority](#) for the business. Where there is no [Primary Authority Partnership](#) in place, operators are requested to give the Authority a single named point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.
- 10.7 In recognition of H&F's diverse community and to support the principles in this enforcement policy of transparency, consistency, proportionality, targeting and helpfulness, we want to:
- a) commit to working with diverse businesses to ensure equality for all. Along with the Health and Safety Executive (HSE) and others we need to be an organisation which *“understands the diverse society in which it operates, which is clear about the impact of its policies and operations on that diverse society, and which conducts its business with sensitivity and respect for people's different needs, vulnerabilities and perspectives on life”*;
 - b) ensure that we minimise the impact of our enforcement actions on diverse businesses, which could unintentionally lead to race and other inequalities;
 - c) improve any perceived negative perception that diverse businesses may have of local government regulators;
 - d) raise awareness about how our services can support individuals and families in diverse communities with easy access to advice and protection, to minimise any inadvertent race or other inequalities;
 - e) increase the reporting of non-compliant business operations within diverse communities; so that reputable businesses can thrive and grow and to improve the safety, health and wellbeing of our residents.

We will achieve this goal by:

- improving the equalities monitoring of our enforcement actions and outcomes to enable us to have improved data to use with equality impact assessment tools;
- using our monitoring and other data to make improvements to the way in which we communicate, help, engage with and support diverse businesses;
- making better use of business intelligence and other monitoring data to improve our targeted communications when reaching out to a diverse range of people and organisations to understand and address any potential barriers to communication.
- responding positively to requests for information in alternative formats or by specific officers, where capacity and availability of resources, will allow;
- making better use of available training, information and research to provide information about race and other diversity issues, so that we can engage in a more helpful way;
- providing unconscious bias and other equalities training for all our officers; and

- improving the diversity of advisory/consultee bodies and stakeholder networking.

11 Exchanging information

- 11.1 We will exchange information in accordance with the Act and Data Protection legislation.
- 11.2 We will also consider any guidance issued by the Department for Business, Energy and Industrial Strategy (BEIS), or the Gambling Commission to local authorities on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 11.3 When the law allows, the Licensing Authority will agree secure mechanisms to share information with other regulators about gambling premises, to help target resources and activities and minimise duplication.

12 Provisional statements

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

13 Temporary-use notices

- 13.1 These allow premises to be used for gambling where there is no premises licence but where a gambling operator wants to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary-use notice would include hotels, conference centres and sporting venues. A temporary-use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.
- 13.2 The Secretary of State will list the gambling activities that may be covered by a temporary-use notice, as well as activities that may not be and activities that may not be combined with any other.

14 Occasional-use notices

- 14.1 Where there is betting on a track on eight days or less in a calendar year, betting may be allowed under an occasional-use notice without the need for a full premises licence.
- 14.2 We have limited power in relation to these notices other than making sure that betting is not allowed for more than eight days in a calendar year.

15 Consultation

- 15.1 We will expect you to advertise the application in line with the regulations made under the Act. An

applicant for the grant or variation of a licence, or for a provisional statement is required to advertise the application by means of:

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

The notices must be in the prescribed form.

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

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

16 Adult gaming centres, family entertainment centres (licensed), bingo premises and betting premises.

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

16.2 We will expect you to offer your own measures to meet the licensing objectives. Appropriate measures and licence conditions may include the ones listed in section 5 and Annex 2 of this policy.

16.3 We will consider the [guidance issued by the Gambling Commission](#) and will take into account the size, suitability, layout of the premises and, if relevant, the number of counters available for face-to-face transactions.

16.4 Providing the Licensing Authority with details of where a child or young person repeatedly attempts to gamble on their premises may provide the Licensing Authority with an opportunity to consider safeguarding concerns. The Licensing Authority continues to raise awareness in cooperation with the Metropolitan Police of modern slavery or child sexual exploitation, via [Operation Makesafe](#), amongst the business community. To date, efforts have been focused on providing awareness to hotels, taxi companies and licensed premises.

16.5 Larger operators are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. Operators are encouraged to also make the results available to licensing authorities, as far as is practicable.

17 Family Entertainment Centres (FECs)

17.1 There are two types of Family Entertainment Centres:

- a) Licensed - providing both category C and D machines, which require a premises licence
- b) Unlicensed - providing category D machines only, which do not require a premises licence, but are regulated through Family Entertainment Centre Gaming Machine Permits

- 17.2 If an operator does not hold a premises licence but wants to provide gaming machines they may apply to us, the licensing authority, for this permit. The person applying must show that the premises will be completely or mainly used for gaming machines (section 238 of the Act).
- 17.3 FECs not holding a licence will be able to offer only category-D machines with a gaming machine permit. There can be any number of category-D machines with such a permit (depending on other considerations such as fire regulations and health and safety, which will not be issues for the licensing authority under the Act). We cannot issue permits for vessels or vehicles.
- 17.4 As part of any Unlicensed Family Entertainment permit application, the Council will require applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes (para 24.7 of the Act)
- 17.5 The Council will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable people from harm ([Social Responsibility Code 3](#)). Harm in this context is not limited to harm from gambling but includes wider child protection and potential modern slavery or child sexual exploitation considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:
- measures/training for staff concerning suspected truant school children on the premises;
 - measures/training covering how staff would deal with unsupervised, very young children being on the premises;
 - measures/training covering how staff would deal with children causing perceived problems on or around the premises;
 - measures/training covering how staff would identify the signs and symptoms of persons engaged in the illegal use, or under the influence, of controlled drugs and/or alcohol.

18 Casinos

- 18.1 We currently have a 'no casino' resolution in this borough.
- 18.2 The 'no casino' resolution came into effect on the same date as the original Statement of Gambling policy.
- 18.3 This means that we will not consider any applications for a premises licence for a casino. We will return any applications we receive with a notice that a 'no casino' resolution is in place.

19 Tracks

- 19.1 We are aware that tracks may need more than one premises licence and we will especially consider the effect on the third licensing objective (that is, protecting children and vulnerable people from being harmed or exploited by gambling).
- 19.2 We would expect you to show that suitable measures are in place to make sure that children do not have access to adult-only gaming facilities. Appropriate measures and licence conditions may include the ones

listed in section 5 and Annex 2 of this policy.

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

20 Travelling fairs

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

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

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

21 Gaming machine permits for premises that sell alcohol

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

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

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

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

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

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

21.6 The holder of a permit must follow any [code of practice issued by the Gambling Commission](#) about where and how the machine must be used.

22 Prize gaming permits

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

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

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

22.4 An application for a permit can only be made by a person who uses or plans to use the relevant premises. If the applicant is an individual, they must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is already in existence for the same premises.

The application must be made to the authority in whose area the premises are completely or partly situated.

22.5 When making our decision on an application for this permit, we do not need to consider licensing objectives but must consider any [Gambling Commission guidance](#).

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

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

23 Club gaming and club machine permits

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

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

23.3 We may only refuse an application if:

- you do not fulfil the requirements for a members' or commercial club or miners' welfare institute and so are not entitled to receive the type of permit which you have applied for;

- your premises are used wholly or mainly by children or young people;
- you have committed an offence under the Act or have broken the conditions of a permit while providing gaming facilities;
- a permit held by you has been cancelled in the previous 10 years; or
- an objection has been lodged by the Commissioner of Police.

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

24. Small Society Lotteries

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

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

24.2 The Licensing Authority recommends those seeking to run lotteries take their own legal advice. Guidance notes on small society lotteries, limits placed on them and information setting out financial limits can be found on our [website](#). Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located.

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

The Licensing Authority will accept society lottery returns electronically by email.

25 Other Information

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

25.2 **Public Health considerations** - Although public health is not yet formally a licensing objective there is definitely evidence that problem gamblers and their families are at risk of significant health and social problems such as mental illness, drug and alcohol misuse, relationship breakdown, criminal activity and financial difficulties. The Licensing Authority will liaise with public health colleagues about new and variation applications within the borough, so that we can continue to monitor any increase in access to gambling opportunities for those at risk of problem gambling, check for vulnerable locations nearby eg drug and alcohol clinics or homeless hostels, and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help.

25.3 **Equalities** - The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and

maternity, race, religion or belief, sex, and sexual orientation. Hammersmith and Fulham Council has an [Equal Opportunities Policy](#) and this revised Statement of Gambling Policy will be monitored for any adverse impact on the promotion of opportunities for all.

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

- 25.4 **Email Alerts** - If you are interested in being notified about new applications you can [register on our website](#) for licensing application email alerts and receive regular updates about applications in your area.
- 25.5 **The Local Plan** - The [Local Plan](#) sets out the Council's planning policies for developing land, improving transport and protecting the environment. The Council is required to determine planning applications in accordance with the Local Plan, the [London Plan](#) and any other material considerations.
- 25.6 **Review of the Statement of Gambling Policy** - Under the Gambling Act 2005, the Licensing Authority must carry out a review of its Statement of Gambling Policy every three years. In accordance with the Act, the Licensing Authority intends to carry out a further full review of its policy no later than 2028 and, prior to publishing the revised version, it intends to consult fully with those groups and individuals consulted, as required by law. In addition, within the three-year period the Licensing Authority will review its Statement of Gambling Policy whenever it feels that relevant issues have arisen - for example, if any further significant amendments are made to the Gambling Act 2005, [Guidance](#) or [Codes of Practice](#). Any website links within this document that do not work will be updated or removed. Issues that arise concerning implementation of the policy will be recorded in an issue log and taken into account during any review.

miners' welfare institute, with up to three machines of category-B (restricted to B4) C or D (that is, three machines in total).

- 26.6 **Family entertainment centre** (with commission operating licence) – a premises that may have any number of category-C machines and any number of category-D machines. Category-C machines must be in a separate area to make sure that they are only played by adults.
- 26.7 **Family entertainment centre** (with gaming machine permit) – a premises that may have any number of category-D machines. There is no power for the licensing authority to set a limit on the number of machines covered by the permit.
- 26.8 **Gaming machines** – all machines on which people can gamble.
- 26.9 **Occasional-use notices** – where there is betting on a track on eight days or less in a calendar year, betting may be allowed under an 'occasional-use notice' without the need for a full premises licence.
- 26.10 **Primary Authority** – Where a chain of businesses and a specific Local Authority agree, that Authority becomes the 'Primary Authority' for those businesses. The authority will ensure consistent regulation, improving the professionalism of front-line regulators, and giving businesses a say in their regulation. Where another Local Authority has concerns about compliance issues, it must refer to the Primary Authority for directions.
- 26.11 **Provisional Statement** - Where an applicant can make an application to the Licensing Authority in respect of premises that he:
- Expects to be constructed
 - Expects to be altered
 - Expects to acquire a right to occupy.
- 26.12 **Regulators' code** – protects the public, the environment and groups such as consumers and workers through the 'business-friendly' enforcement of regulations. It is a procedure that can be adopted by enforcement officers to help businesses and others meet their legal responsibilities without unnecessary expense while taking firm action, including prosecution where appropriate, against those who break the law or act irresponsibly.
- 25.11 **Remote gambling** – gambling that takes place on the internet.
- 25.13 **Responsible authorities** – these are public organisations that must be told about applications and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to, a premises licence. They are:
- a licensing authority in whose area the premises is completely or partly situated;
 - the Gambling Commission;
 - the chief officer of police or chief constable for the area in which the premises is completely or partly situated;

- the fire and rescue authority for the same area;
 - the local planning authority;
 - the noise and nuisance team;
 - the Local Safeguarding Children's Partnership (LSCP); and
 - Her Majesty's Commissioners of Customs and Excise.
- any other person prescribed for the purposes of this section by regulations made by the Secretary of State

25.14 **Reviews** - Applications for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review application is valid and/or whether it is appropriate to carry out the review, given the circumstances.

25.15 **Spread betting** – allows an investor to bet on whether they believe that the price quoted is likely to strengthen (go up in value) or weaken (go down in value). The profit or loss for a spread bet depends on the difference in the buy and sell price.

25.16 **Small Society Lottery** - A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

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

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

Annex 1 Mandatory Conditions

Gambling Act 2005 Mandatory and Default Conditions by premises type

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

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

Betting Tracks only		
Tracks(all)	No customer shall be able to access the premises directly from another premises which has a casino premises licence or an adult gaming centre premises licence.	Mandatory
Tracks (all)	A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.	Mandatory
Tracks(all)	The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.	Mandatory
Tracks(all)	The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets (a) will be operating under a valid operating licence; and (b) are enabled to accept such bets in accordance with- (i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or (ii) an authorisation under section 94 (horse-race pool betting operating licence) of that Act	Mandatory
Tracks(all)	The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.	Mandatory
Tracks(all)	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Mandatory
Horseracing Tracks (converted from an existing track)	The licence holder shall ensure that any part of the tracks which, prior to 1 September 2007, were made available for betting operators (or their assistants) will continue to be so.	Mandatory
Horseracing Tracks (converted from an existing track)	The charge for admission to an existing betting area for providing facilities for betting shall not exceed five times the cost of the highest charge paid by members of the public (for betting operators) or the highest charge paid by member of the public (for the betting operator's assistant). All betting operators and betting operators' assistants will be charged the same for admission to the same part of the track. No other charge may be made, and the charges must only cover reasonable costs.	Mandatory
Horseracing tracks (all)	The premises licence holder shall provide a place on the premises where betting operators and betting operators' assistants may provide facilities for betting. This does not apply to converted licences prior to the 01 September 2012.	Mandatory
Dog Tracks	A totalisator on the premises shall only be operated at a time when the public are admitted for the purpose of attending dog races and no other sporting events are taking place on the premises, and for the purpose of effecting betting transactions on the dog races taking place on the premises.	Mandatory
Dog Tracks	At any time when the totalisator is being used, no betting operator or betting operator's assistance shall be excluded from the premises for the reason that s/he proposes to negotiate bets on the premises. There must also be space made available where the betting operators and their assistants can conveniently accept and negotiate bets in connection with the dog races running on the premises that day.	Mandatory

Tracks (all)	HOURS: No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next, except where there is a sporting event taking place on the premises. Where there is a sporting event taking place on the premises then gambling may take place at any time that day.	Default
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Bingo		
Bingo	A notice stating that no person under the age of 18 is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Bingo	No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect: <ul style="list-style-type: none"> • A casino premises licence • An adult gaming centre premises licence • A betting premises licence other than a track premises licence 	Mandatory
Bingo	Where children and/or young persons are permitted by the licence holder to enter the premises, and category B or C gaming machines are made available for use on the premises, then the gaming machines must be: <ul style="list-style-type: none"> • separated from the rest of the premises by a physical barrier to prevent access other than via an entrance designed to be the entrance • supervised at all times to ensure children or young persons do not enter the area • arranged so that the area can be observed by persons responsible for supervision or closed-circuit television which is monitored • The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 years is permitted to enter the area.	Mandatory
Bingo	Where there is a charge for admission there must be a notice of the charge displayed in a prominent place at the principal entrance to the premises.	Mandatory
Bingo	A notice setting out any other charges in respect of the gaming (except prize gaming) shall be displayed at the main point where payment for the charge is to be made. Such a notice must include the cost (in money) of each game card or set of game cards, payable by an individual in respect of the game of bingo, and the amount that will be charged by way of a participation fee. There should also be in the notice a statement that all/part of the participation fee may be waived at the discretion of the person charging it. This notice can be displayed in electronic form.	Mandatory
Bingo	The rules of each type of game that is available (other than gaming machines) shall be made available to customers within the premises by either displaying a sign, making leaflets or other written material available, or running an audio-visual guide prior to any game commencing.	Mandatory
Bingo	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Mandatory
Bingo	HOURS: No facilities for gambling shall be provided on the premises between midnight and 9am, apart from gaming machines.	Default

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

Annex 2 Local Pool of Licence Conditions

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

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

shall be kept on the premises and should be made available for inspection by the Police and/or authorised Council officers at any time the premises is open.
Door Supervisors Any door supervisors working at the premises must be licensed by the Security Industry Authority
A minimum of (insert number) door supervisors shall be on duty on the premises during the hours of (insert times) on (insert days of the week)
A minimum of (insert number) door supervisors shall be provided on (insert days of week) to patrol external areas of the premises between the hours of (insert times)
Random searches shall be undertaken of customers entering the premises between the hours of (insert times) and prominent signage provided to this effect
Crime Prevention A metal detection device shall randomly be used by door supervisors to search patrons for weapons
A search arch shall be used at the entrance to the premises to detect customers who may be carrying weapons
An electronic door lock (maglock) shall be fitted to the front door of the premises.
Any drugs or weapons confiscated from customers shall be stored in a locked and secure container and the Police shall be notified as soon as reasonably practicable.
All gaming machines shall have a control behind the counter to allow machines to be turned on or off. (Insert crime prevention device – see examples below) shall be installed at the premises to the satisfaction of the Police licensing officer <ul style="list-style-type: none"> • Shutters • Re – enforced steel back/front doors • Window bars • External lighting • Security mirrors • Prevention signage
No facilities for gambling shall be provided on the premises between the hours of (Insert time) on one day and (Insert time) on the next day
Any entrance or exit doors to the premises shall remain closed at all times (i.e. not propped open)
A panic button shall be installed behind the counter or service area in the premises. This button should alert the Police to any incident taking place at the premises.
Lone working is not permitted in the premises at any time

Annex 3 – Local Area Profile – available at : www.lbhf.gov.uk/business/licensing/licensing-policy

Agenda Item 7.1

SPECIAL MOTION NO. 1 – COMMENDING THE GOVERNMENT ON PLANNING REFORM

Standing in the names of:

- (i) Councillor Omid Miri
- (ii) Councillor Andrew Jones

This Council commends the new Labour Government on its commitment to build 1.5 million new homes and end the housing crisis through radical planning reform, getting Britain building the homes and infrastructure desperately need after 14 years of Conservative neglect and austerity. This will help accelerate and expand the delivery of genuinely affordable homes to residents in Hammersmith and Fulham.

This Council welcomes the new Government's recognition that local authorities have an important role to play and, after 14 years of Conservative sidelining, dithering and de-funding, looks forward to working with the Government to solve the housing crisis.

SPECIAL MOTION NO. 2 – CELEBRATING THE 150TH ANNIVERSARY OF THE MACBETH CENTRE

Standing in the names of:

- (i) Councillor Zarar Qayyum
- (ii) Councillor Andrew Jones

This Council congratulates the Macbeth Centre on its 150-year anniversary and notes that it has been a cornerstone of adult education and community engagement since its construction.

Over this time, the Centre has empowered countless residents, supporting personal development and lifelong learning. Its recent roof renovation, completed in October, ensures that this historic building will continue to serve the community for many years to come, forming a key part of the administration's commitment to skills-led economic growth.

Agenda Item 7.3

SPECIAL MOTION NO. 3 – THE FUTURE OF CHARING CROSS HOSPITAL

Standing in the names of:

- (i) Councillor Andrew Dinsmore
- (ii) Councillor Amanda Lloyd-Harris

This council calls on the Government to secure the future of Charing Cross Hospital for all our residents.

SPECIAL MOTION NO. 4 – THE SAFETY OF CYCLISTS

Standing in the names of:

- (i) Councillor Adrian Pascu-Talbure
- (ii) Councillor Jose Afonso

This Council calls on the Administration to safeguard the safety of cyclists on our roads.

Agenda Item 7.5

SPECIAL MOTION NO. 5 – FREE BREAKFASTS FOR PRIMARY SCHOOL CHILDREN

Standing in the names of:

- (i) Councillor Alex Sanderson
- (ii) Councillor Nikos Souslous

The Council commends the new Labour government's plans to provide free school breakfasts for primary school children nationally.

The Council notes that its Labour administration pioneered this policy in Hammersmith and Fulham in 2018. Since then, it has helped to ensure children in the borough are healthy and ready to learn.