

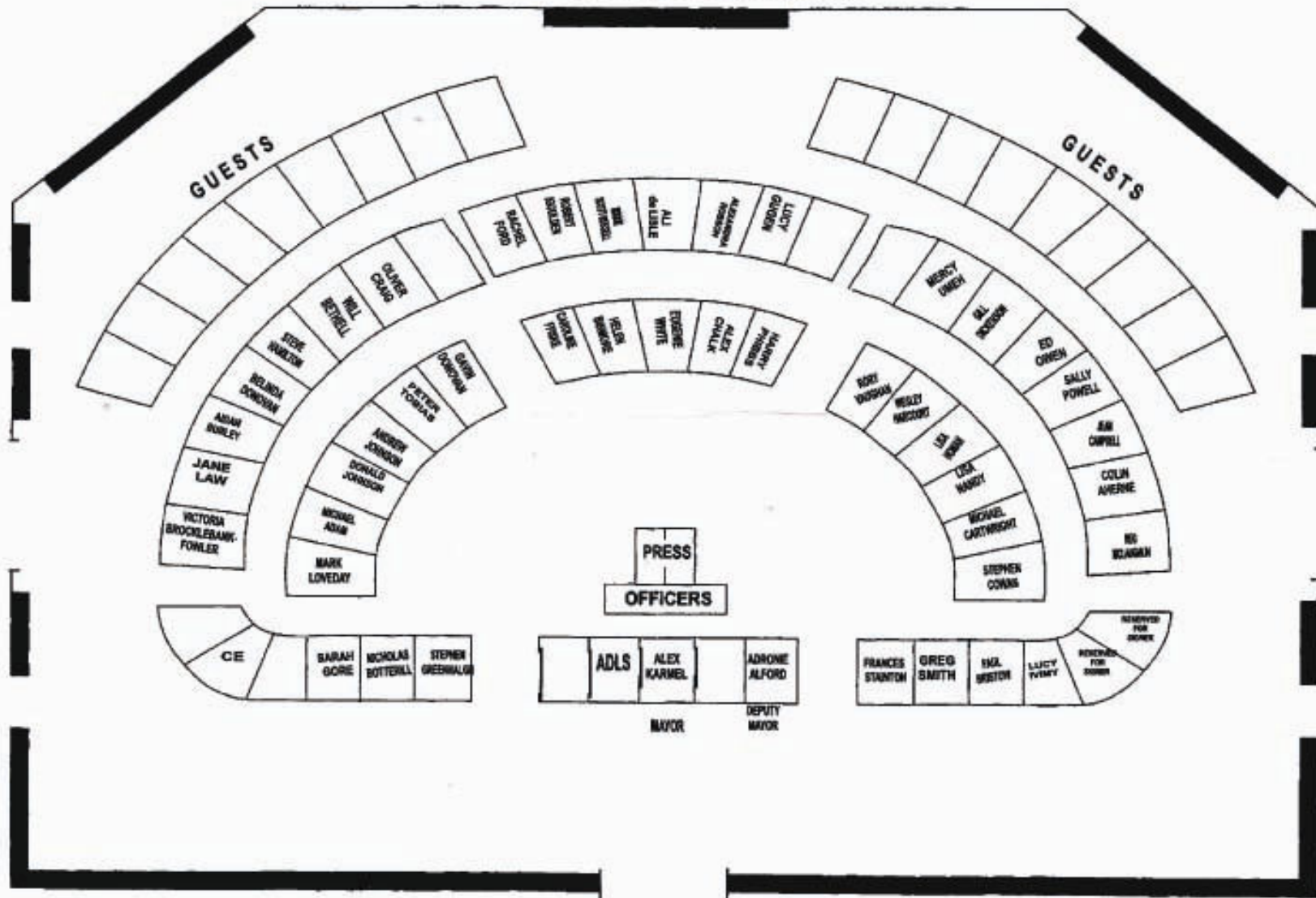
AGENDA

(Ordinary Council Meeting)

To be held at Fulham Town Hall

Wednesday 28 October 2009

FULHAM TOWN HALL COUNCIL CHAMBER





The Mayor (Councillor Alex Karmel)
Deputy Mayor (Councillor Adronie Alford)

ADDISON

Helen Binmore (C)
Belinda Donovan (C)
Peter Tobias (C)

HAMMERSMITH
BROADWAY

Michael Cartwright (L)
Stephen Cowan (L)
Lisa Nandy (L)

RAVENSCOURT PARK

Lucy Ivimy (C)
Harry Phibbs (C)
Eugenie White (C)

ASKEW

Gill Dickenson (L)
Rory Vaughan (L)
Lisa Homan (L)

MUNSTER

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

SANDS END

Ali de Lisle (C)
Steve Hamilton (C)
Jane Law (C)

AVONMORE &
BROOK GREEN

Will Bethell (C)
Alexandra Robson (C)
Robert Iggulden (C)

NORTH END

Caroline Ffiske (C)
Sarah Gore (C)
Lucy Gugen (C)

SHEPHERDS BUSH
GREEN

Mercy Umeh (L)
Ed Owen (L)
Alex Chalk (C)

COLLEGE PARK &
OLD OAK

Wesley Harcourt (L)
Reg McLaughlin (L)

PALACE RIVERSIDE

Donald Johnson (C)
Minnie Scott Russell (C)

TOWN

Stephen Greenhalgh (C)
Greg Smith (C)
Oliver Craig (C)

FULHAM BROADWAY

Aidan Burley (C)
Victoria Brocklebank-
Fowler (C)
Rachel Ford (C)

PARSONS GREEN AND
WALHAM

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

WORMHOLT AND
WHITE CITY

Colin Aherne (L)
Jean Campbell (L)
Dame Sally Powell (L)

FULHAM REACH

Paul Bristow (C)
Gavin Donovan (C)
Andrew Johnson (C)



SUMMONS

Councillors of the London Borough of
Hammersmith & Fulham
are requested to attend the
Ordinary Meeting of the Council on
Wednesday 28 October 2009
at Fulham Town Hall, SW6

The Council will meet at 7.00pm.

19 October 2009
Town Hall
Fulham SW6

Geoff Alltimes
Chief Executive

Full Council

Agenda

28 October 2009

<u>Item</u>		<u>Pages</u>
1. MINUTES		113 - 124
	To approve and sign as an accurate record the Minutes of the Council Meeting held on 24 June 2009.	
2. APOLOGIES FOR ABSENCE		
3. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS (IF ANY)		
4. DECLARATIONS OF INTERESTS		
	<i>If a Councillor has any prejudicial or personal interest in a particular report he/she should declare the existence and nature of the interest at the commencement of the consideration of the item or as soon as it becomes apparent.</i>	
	<i>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a prejudicial 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, unless a dispensation has been obtained from the Standards Committee.</i>	
	<i>Where members of the public are not allowed to be in attendance, then the Councillor with a prejudicial interest should withdraw from the meeting whilst the matter is under consideration, unless the disability has been removed by the Standards Committee.</i>	
5. PUBLIC QUESTIONS (20 MINUTES)		
	The Leader/relevant Cabinet Member to reply to questions submitted by members of the public:	
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	To report the results of the Town Ward By-Election held on 15 October 2009.	
6.2 AUDIT COMMITTEE ANNUAL REPORT		127 - 140
	To note the Audit Committee Annual Report 2008/09.	

6.3	TREASURY MANAGEMENT OUTTURN To note the borrowing and investment activity for the period 1 st April 2008 to 31 st March 2009.	141 - 149
6.4	LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2008 - APPOINTED DAY (ADOPTION OF POWERS UNDER PART 5 - NON PAYMENT OF PENALTY CHARGE NOTICES) To resolve that the appointed day for which Part 5 of the London Local Authorities and Transport for London Act 2008 shall come into operation on public highways, for which the London Borough of Hammersmith and Fulham is the Highways Authority, shall be the 4 th January 2010.	150 - 154
6.5	GAMBLING ACT 2005 - COUNCIL'S STATEMENT OF GAMBLING PRINCIPLES This report asks Council to approve and adopt a 'no casino' resolution and approve and adopt the Statement of Gambling Principles set out in Appendix 1 to this report. It is also requested that the Director of Environment be authorised to make minor amendments or any changes arising from the publication of secondary legislation and guidance.	155 - 178
6.6	CHANGING GOVERNANCE ARRANGEMENTS The Local Government and Public Involvement in Health Act 2007 requires all Councils to change their decision making arrangements. The Council is therefore requested to indicate that its proposed model of executive governance will be the new style Leader and Cabinet Executive model to be operated from the third day after the May 2010 local elections.	179 - 186
6.7	REVIEW OF THE COUNCIL'S CONSTITUTION - CHANGES TO CABINET MEMBER PORTFOLIOS, OFFICER SCHEMES OF DELEGATION AND COMMITTEE TERMS OF REFERENCE To approve changes to the portfolios of the Leader and other Cabinet members, along with minor changes to the Constitution and amendments to the mechanism for determining staff appeals.	187 - 195
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8.1	SPECIAL URGENCY DECISIONS - QUARTERLY REPORT To note the decisions taken by the Leader or Cabinet during the last quarter under the special urgency provisions of the Constitution (decision not in the Forward Plan) from 1 st June to 30 th September 2009.	207 - 209



COUNCIL MINUTES

(ORDINARY COUNCIL MEETING)

WEDNESDAY 24 JUNE 2009



PRESENT:

The Mayor (Councillor Alex Karmel)
Deputy Mayor (Councillor Mrs Adronie Alford)

Councillors:

Mike Adam
Colin Aherne
Nicholas Botterill
Paul Bristow
Victoria Brocklebank-
Fowler
Jean Campbell
Stephen Cowan
Ali de Lisle
Belinda Donovan
Gavin Donovan
Rachel Ford

Sarah Gore
Stephen Greenhalgh
Steve Hamilton
Wesley Harcourt
Lisa Homan
Robert Iggulden
Andrew Johnson
Donald Johnson
Lucy Ivimy
Jane Law
Mark Loveday
Reg McLaughlin

Lisa Nandy
Ed Owen
Harry Phibbs
Alexandra Robson
Greg Smith
Frances Stainton
Mercy Umeh
Rory Vaughan
Eugenie White

12. MINUTES – 27 MAY 2009

7.01 pm - The minutes of the Annual Council Meeting held on 27 May 2009 were confirmed and signed as an accurate record.

13. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Antony Lillis, Will Bethell, Aiden Burley, Helen Binmore, Michael Cartwright, Gill Dickenson, Caroline Ffiske, Minnie Scott-Russell and Peter Tobias.

Apologies for lateness were received on behalf of Councillors Alex Chalk and Reg McLaughlin.

14. MAYOR'S ANNOUNCEMENTS

The Mayor's Announcements were circulated and tabled at the meeting. (Copy attached as **Appendix 1** to these minutes).

15. DECLARATIONS OF INTEREST

Councillor Stephen Greenhalgh declared a personal interest in respect of Item 6.2 as a co-author of the report published by Localis.

16. PUBLIC QUESTION TIME

7.03 pm - The Mayor called on the member of the public who had submitted a question to the Cabinet Member for Environment to ask her question. The Deputy Leader responded.

Question No. 1 – Ms Catherine Remy to the Deputy Leader and Cabinet Member for Environment (Councillor Nicholas Botterill).

[A copy of the public question submitted and the reply given is attached at Appendix 2 to these minutes.]

17. SPECIAL MOTIONS

Under standing order 15 (e) iii, the Mayor allowed special motion 6.4 to have precedence and be debated as the first item.

17.1 Special Motion No. 4 – Neighbourhood Watch

7.10 m – Councillor Belinda Donovan moved, seconded by Councillor Greg Smith, the special motion standing in their names:

“This Council:

- (1) Celebrates the establishment of over 130 new Neighbourhood Watch committees in the borough since 2006;
- (2) Recognises the vital contribution of members of local Neighbourhood Watch committees to cutting crime in the borough;
- (3) Pledges to continue support by the Council to maintain and increase the number of Neighbourhood Watches in the borough”.

Speeches on the motion were made by Councillors Belinda Donovan and Greg Smith.

Under Council Procedure Rule 15 (e) (vi), Councillor Lisa Homan, seconded by Councillor Stephen Cowan, moved an amendment to the motion to insert after point 3 -

- (4) “Notes that whilst the establishment of Neighbourhood Watch schemes are a welcome part of the overall strategy for fighting crime, they should not be used to distract from the fact that crime in the borough has not fallen by levels of 10% as under the previous Labour administration, and now lags behind other London boroughs such as Hackney and Newham. In the past 3 years the administration have failed to deliver on their promise to the electorate in fighting crime and backed down from supporting a 24/7 Safer Neighbourhood Team in Fulham Broadway Ward. We therefore call for a cross party commission also involving the public to investigate what has gone wrong.”

Speeches on the amendment were made by Councillor Homan and Stephen Cowan (for the Opposition) and Councillors Stephen Greenhalgh and de Lisle (for the Administration) before it was put to the vote:

FOR	11
AGAINST	24
ABSTENTIONS	0

The motion was declared **LOST**.

Councillor Belinda Donovan (for the Administration) made a speech winding up the debate before the substantive motion was put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

The motion was declared **CARRIED**.

7.37 pm - **RESOLVED**:

"This Council:

- (1) Celebrates the establishment of over 130 new Neighbourhood Watch committees in the borough since 2006;
- (2) Recognises the vital contribution of members of local Neighbourhood Watch committees to cutting crime in the borough;
- (3) Pledges to continue support by the Council to maintain and increase the number of Neighbourhood Watches in the borough".

17.2 Special Motion No. 1 – Third Runway At Heathrow

7.39 pm – Councillor Stephen Greenhalgh moved, seconded by Councillor Nicholas Botterill, the special motion standing in their names:

"That this Council:

- (1) Commends and endorses the decision by the Administration to become a full party together with Wandsworth, Hillingdon, Hounslow, Richmond and others to the legal proceedings issued against the Secretary of State for Transport seeking to quash his decision to support the third runway at Heathrow;
- (2) Notes that the grounds of challenge are:
 - * There was a failure to conduct a lawful consultation process;
 - * The decision was irrational;
 - * There was a failure to provide an adequately reasoned decision;
- (3) Notes that the proceedings are intended to promote the well being of Borough Residents and those in West London generally."

Speeches on the motion were made by Councillors Stephen Greenhalgh and Nicholas Botterill (for the Administration) and Councillor Colin Aherne (for the Opposition) before it was put to the vote:

FOR	Unanimous
AGAINST	0
ABSTENTIONS	0

The motion was declared **CARRIED**.

7.46 pm - **RESOLVED**:

“That this Council:

- (1) Commends and endorses the decision by the Administration to become a full party together with Wandsworth, Hillingdon, Hounslow, Richmond and others to the legal proceedings issued against the Secretary of State for Transport seeking to quash his decision to support the third runway at Heathrow;
- (2) Notes that the grounds of challenge are:
 - * There was a failure to conduct a lawful consultation process;
 - * The decision was irrational;
 - * There was a failure to provide an adequately reasoned decision;
- (3) Notes that the proceedings are intended to promote the well being of Borough Residents and those in West London generally.”

17.3 Special Motion No. 2 – Localis

7.47 pm – Councillor Lisa Nandy moved, seconded by Councillor Stephen Cowan, the special motion standing in their names:

“That this Council:

Rejects the offensive, damaging and false portrayal of social housing tenants in the paper *'Principles for Social Housing Reform'* published by right wing think tank Localis.

Firmly rejects proposals which seek to deny decent, secure homes to those who need them.

Further condemns such a crude attempt to disguise deeply unpopular proposals to demolish local homes and communities by using the language of rights and empowerment.

Agrees with Shelter that people are empowered by genuine choice and security and asserts that people are disempowered by ill-thought out, stereotypical and stigmatising papers such as this.

Resolves that funding Localis £8,000 a year at a time when Hammersmith and Fulham Council is cutting vital services to local people is a shameful waste of public money that will cease with immediate effect”.

Speeches on the motion were made by Councillors Lisa Nandy, Jean Campbell and Stephen Cowan (for the Opposition) and Stephen Greenhalgh, Lucy Ivimy, Andrew Johnson and Harry Phibbs (for the Administration) before it was put to the vote:

FOR	11
AGAINST	24
ABSTENTIONS	0

The motion was declared **LOST**.

17.4 Special Motion No. 3 – Audit Commission CPA Rating

8.25pm – Councillor Mark Loveday moved, seconded by Councillor Victoria Borcklebank-Fowler, the special motion standing in their names:

“That this Council:

- (1) Welcomes the Audit Commission’s 2008 Comprehensive Performance Assessment that Hammersmith & Fulham is a council that is “**improving strongly** and demonstrating a **4 star** overall performance;
- (2) Notes that this is the highest mark available from the Audit Commission to recognise the delivery of top class services at the best possible value for money;
- (3) Congratulates officers and staff on the significant improvements in services recognised by the Audit Commission.”

Speeches on the motion were made by Councillors Mark Loveday and Robert Iggulden and Councillor Stephen Cowan (for the Opposition) before it was put to the vote:

FOR	24
AGAINST	0
ABSTENTIONS	11

The motion was declared **CARRIED**.

8.40 pm - **RESOLVED**:

“That this Council:

- (1) Welcomes the Audit Commission’s 2008 Comprehensive Performance Assessment that Hammersmith & Fulham is a council that is “**improving strongly** and demonstrating a **4 star** overall performance;
- (2) Notes that this is the highest mark available from the Audit Commission to recognise the delivery of top class services at the best possible value for money;
- (3) Congratulates officers and staff on the significant improvements in services recognised by the Audit Commission.”

18. INFORMATION REPORTS TO COUNCIL (IF ANY)

There were no information reports to this meeting of the Council.

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

Meeting ended: 8.40 pm. - Wednesday, 24 June 2009.

APPENDIX 1

ANNOUNCEMENTS BY THE MAYOR

1. On 30th May 2009, I attended the FA Cup Final between Chelsea and Everton Football Clubs, Wembley Stadium, Brent
2. On 31st May, accompanied by my Mayoress and the Deputy Mayor, I attended the Japanese Garden Party Hammersmith Park W12. Ken Okaniwa, Minister of the Japanese Embassy also attended.
3. On 3rd June, accompanied by my Mayoress, I attended the 31st Signal Regiment reception evening, Innholders Hall, College Street, EC4R
4. On 5th June, I attended the official book launch of "Just a Little Run Around The World", written by Mrs Rose Swale-Pope from Tenby. I also welcomed Cllr Mrs Sue Lane, Mayor of Tenby, to the book launch held at Harper Collins Publishers, Fulham Palace Road SW6
5. On 5th June, I was delighted to attend and play in the Councillors vs. Staff Charity football match, Chelsea Football Club, Stamford Bridge, SW6
6. On 6th June, accompanied by my Mayoress, I attended 'Polo in the Park', at Hurlingham Park, SW6
7. On 6th June, I was delighted to unveil a blue plaque commemorating D Day, St Paul's Green, Hammersmith Road, W6
8. On 7th June, accompanied by my Mayoress, I attended H&F Polo Open Day event and presented various trophies throughout the day, Hurlingham Park, SW6
9. On 8th June, I attended the Thames Strategy "Kew to Chelsea" AGM, Fulham Palace, SW6
10. On 10th June, accompanied by my Mayoress, I attended the Aegon Tennis Championships, Queens Club, W14
11. On 13th June, I attended the Allotment Community Open Day, Bishop's Avenue, SW6
12. On 13th June, accompanied by my Mayoress, I attended the Mayor of Enfield Annual Mayors' Garden Party, Capel Manor College, Enfield
13. On 14th June, accompanied by my Mayoress, Cllr Greg Smith and guest, I attended the Metropolitan Volunteer Police Cadets Parade

Day, Horse Guards Parade, Whitehall, SW1

14. On 16th June, I attended the funeral of the late Mrs Betty Hunter, former Chair of Gibbs Green TRA and NDC Board member, Mortlake Crematorium
15. On 16th June 2009, accompanied by my Mayoress, I attended the Mayor of Bromley's Charity Dinner evening, Trenchman's Restaurant, Station Square, Petts Wood, Kent
16. On 17th June, I attended a Citizenship Ceremony and presented each citizen with their official certificate, Council Chamber, Fulham Town Hall, SW6
17. On 17th June, I was delighted to attend the launch of 'Drawing on the Wind' sculptures exhibition, by Peter Logan, grounds of Fulham Palace, SW6
18. On 19th June, I attended the 'Launch of Year 9 Ignition Project', Henry Compton School, SW6
19. On 21st June, accompanied by my Mayoress, I attended Hurlingham Garden Party and ILTC Reception, Hurlingham Club, SW6
20. On 22nd June, accompanied by the Deputy Lieutenant for H&F, Chelsea Pensioners, senior ATC Cadets, serving military reserve officer from the Council and Cllr Mark Loveday, I was delighted to raise the flag for 'Armed Forces Day', Hammersmith Town Hall roof, W6
21. On 22nd June, I attended the Lord Mayor of London 'Annual Service' and reception for London Borough Mayors, St. Paul's Cathedral, and at the Mansion House accompanied my Mayoress, the past Mayor, Cllr Andrew Johnson and the past Mayoress, Miss Joanna Richardson.
22. On 23rd June, accompanied by my Mayoress, I attended a reception for new Mayors hosted by the Lord Mayor of Westminster - President of the London Mayors' Association, Westminster City Hall, SW1
23. On 24th June, I attended a Citizenship Ceremony during which, I presented each citizen with their official certificate, Council Chamber, Fulham Town Hall, SW6
24. On 24th June, I attended the H&F Learning Disabilities Week event, Irish Centre, W6

No. 1

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 24 JUNE 2009

Question by: Catherine Remy, 43 Rylett Road, London, W12 9ST

To the: Deputy Leader and Cabinet Member for Environment

QUESTION

Now that TFL has changed its funding method and that individual councils now have far greater flexibility around spending their LIP funding, will you look again at the safety measures around Wendell Park Primary school as a matter of urgency? As you know a little boy was hit by a car on Cobbold Rd near the school a few months ago.

Furthermore, what integrated approach to traffic and road safety is the council taking in the Askew/Cobbold Road area other than simply looking at traffic accident statistics? For example, the council is currently putting in place a narrowed entry to Cobbold Road from Askew Road on the basis of accident statistics (which were once required by TFL) but has the council studied the impact this will have on Becklow Road for example, which now runs the danger of becoming a rat run to avoid the lights at the junction of Askew Road and Uxbridge Road? What genuine consultation has taken place with local residents who will be affected by these changes?

RESPONSE

The way in which local transport priorities are funded is changing and the guidance for London Boroughs to prepare their submissions for 2010/11 has just been published. It is envisaged that this will be a transition year and that the 2011/12 financial year will be the finally adopted methodology.

London Boroughs will still be required to submit scheme synopses that fit in with the new programmes of work which must broadly accord with the emerging mayoral transport policies.

With specific reference to road safety the current driving force behind the data led approach is to meet the 2010 casualty reduction targets. By the end of 2008 we had met three of these six targets with good progress been made on the rest. Until the Mayor's transport strategy is published we do not know what

targets will be set for London and until such time we will continue to monitor accident trends and develop schemes to address particular junctions, roads and areas.

The work currently under way is to install three raised entry treatments on Cobbold Road, Gayford Road and Hadyn Park Road and their junctions with Askew Road. We were successful in securing funding from TfL for this scheme based on the predicted casualty savings these feature can bring at these specific locations. As we are not changing the operation of any road as part of this scheme there will be no impact on local traffic flow. The road entrance is not be narrowed as part of this scheme rather the planters are to be removed to increase visibility for both pedestrians and drivers.

An extensive local consultation was carried out in February 2009 regarding this scheme alongside the parking restrictions in Askew Road.

The closure of Becklow Road at its junction with Uxbridge Road is to remain and this feature prevents a rat run to avoid the traffic lights at the junction of Askew Road and Uxbridge Road.

With regards to safety measures in the Wendell Park area I have instructed highway officers to review the casualty statistics and existing traffic calming in the area against the recent submissions for funding. In addition to compare the school travel plans of the schools in the area to ascertain the perceived safety concerns and develop a consultation strategy to gauge local opinion on traffic and road safety matters.

It is envisaged that this consultation will be carried out at the end of 2009 and the beginning of 2010 and the results will advise the route we take to proceed with addressing the actual local concerns rather than just installing a sea of speed cushions which can encourage poor driving habits.

No. 1

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 28 OCTOBER 2009

Question by: John Grigg

To the: The Leader

QUESTION

I am pleased to see from the published "guarantee" that residents of the council estates being threatened with demolition will be "involved fully in any future plans or proposals." Would the Leader of the Council provide details of how that would work?

Agenda Item 6.1



RETURNING OFFICER'S REPORT TO COUNCIL

28 OCTOBER 2009

TOWN WARD BY-ELECTION

WARDS

All

Summary

As Returning Officer for the Authority, I have to report that Councillor Oliver Craig, the Conservative Party candidate, was elected as Ward Councillor to the vacancy in Town Ward at the By-election held on 15 October 2009.

**GEOFF ALLTIMES,
RETURNING OFFICER**

CONTRIBUTORS
CE

RECOMMENDATION:

That the above information be noted.



REPORT TO COUNCIL

28 October 2009

LEADER

*Councillor Stephen
Greenhalgh*

**CABINET MEMBER
FOR STRATEGY**

*Councillor Mark
Loveday*

**ANNUAL REPORT OF THE AUDIT COMMITTEE
2008/09 YEAR**

This report details the work of the Audit Committee during 2008/09, outlining the key developments in:

Governance
Internal Control;
Risk management;
Internal Audit;
Anti-fraud;
External Audit;

It also sets out our plans for the future, built on the lessons we have learnt. The report provides an opportunity for all members to review the Committee and to review its performance.

WARDS

All

CONTRIBUTORS

FCS and all
Departments

RECOMMENDATIONS:

That the Council note the annual report

Audit Committee

Annual Report 2008/09

Introduction

- 1 This report relates to the period 1 April 2008 to 31 March 2009. The Audit Committee (the Committee) has a wide ranging brief that underpins the Council's governance processes by providing independent challenge and assurance of the adequacy of governance, risk management, and internal control. This includes audit, anti-fraud and the financial reporting frameworks; the committee is also the council's Approval of Accounts Committee. The Terms of Reference for the Committee are reproduced at Appendix 1 for information.
- 2 Table 1 details the current Committee members. I would like to thank all members for their positive contributions throughout the year. The members have a wide range of skills and bring both technical and professional experience to the role. Within the membership there are qualified accountants and all members have some experience or have received development training in relation to the governance processes they challenge. This provides a solid foundation from which to develop the Committee's role.

Table 1: Members of the Audit Committee

Member	Role
Councillor Robert Iggulden	Chairman
Councillor Michael Cartwright	Vice Chairman
Councillor Mike Adam	Member
Councillor Will Bethell	Member

- 3 To further support the committee members, officers have provided development training on the function, responsibilities and role of the audit committee process. This was further supplemented by additional training during the year in relation to local government accounts.
- 4 This report details the key successes and work of the Committee in 2008/09. The Committee has overseen transformation in all areas of its responsibilities and has actively contributed to leading and shaping those changes. Key achievements include:
 - Maintaining the Internal Control score in the CPA use of resources assessment at level three;
 - Moving risk management reporting from compliance with the process to the risk register contents and is in the process of being embedded in the business planning process;
 - Continued performance improvements in responding to internal audit reports and recommendations across the Council;
 - Developments in the Council's anti-fraud culture with marked improvements in the performance of the Corporate Anti-Fraud Service

- (CAFS);
- Delivering through CAFS the National Fraud Initiative;
- Approval of the 2007/08 year annual accounts.

Governance

- 5 The Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, which includes arrangements for the management of risk. The governance framework comprises the systems, processes, culture and values, by which the authority is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
- 6 The Council has an approved and adopted code of corporate governance with embedded Financial Regulations, which is consistent with the principles of the CIPFA/SOLACE *Framework Delivering Good Governance in Local Government*. A copy of the code and Financial Regulations is contained in the Council's constitution and is available on the Council website.
- 7 The Audit Committee has a responsibility to assess the adequacy and effectiveness of the corporate governance arrangements that have been put in place. This is achieved in a number of ways. The Committee will review in detail the Annual Governance Statement that forms part of the annual accounts, to ensure it properly identifies the council's governance arrangements, and that it accurately identifies significant control weaknesses. The process for producing the statement is outlined at Appendix 2, showing the range of supporting evidence considered by the Committee as part of its deliberations. The statement in the 2008/09 year draft accounts demonstrates a clear improvement inasmuch as the number of extant significant control weaknesses has reduced to only two extant entries. It will also consider the work of Internal Audit and risk management in identifying and evaluating risks and ensuring arrangements are put in place to manage them. The Audit Committee's view of governance is reflected in the Annual Governance Statement and the supporting review of governance which states that the council is compliant with the new CIPFA/SOLACE governance guidance issued in 2007.

Internal Control

- 8 A pivotal role of the Committee is its work in developing the Council's internal control and assurances processes culminating in the Annual Governance Statement (AGS). Regulation 4 of the Accounts and Audit (A&A) Regulations 2003, and amending A&A Regulations 2006 require the Council to review the effectiveness of its governance arrangements including the system of internal control and publish an Annual Governance Statement (AGS) each year with the financial statements. The information for the AGS is generated through the Council's Assurance framework which is outlined in Appendix 2, encompassing:

- Risk management;
- Internal Audit;
- Anti-Fraud programme;
- External Audit;
- Third party assurances such as other inspection and review agencies;
- Director's annual assurance statements.

The Committee lead this review by receiving reports at every meeting on most of these service areas. Success is demonstrated by the maintenance of the Council's Internal Control score at level three in the Use of Resources Assessment, part of the Comprehensive Performance Assessment.

Risk Management

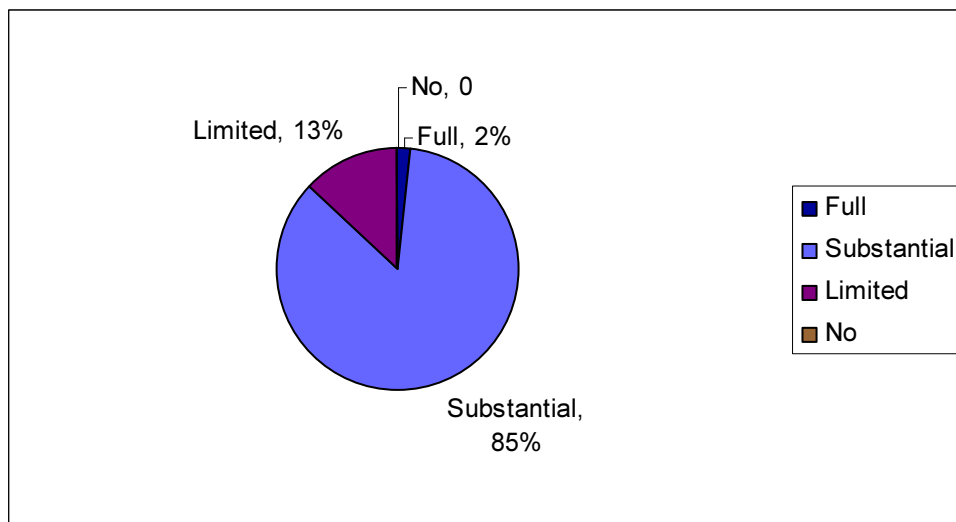
- 9 Risk Management is a business discipline that public and private sector organisations use to better manage potential opportunities and threats to the achievement of corporate objectives. Risk Management also forms a key part of the council's corporate governance arrangements, strategic management and performance management process.
- 10 Key documents and plans of the organisation reflect risk in a far more positive way across major projects and within service delivery. This approach is in part recognition of embedding the process through better understanding of risk as a business enabler linked to successful delivery coupled with willingness by the council to seek opportunity and improve efficiency.
- 11 Engagement, ownership, management and delivery of risk management as part of daily business practice has improved culminating in attainment of Substantial Assurance from the annual audit of the risk management framework and a positive Use of Resources assessment. The process has been particularly effective in raising Members & officers awareness of both the risk and opportunities associated with major projects and programmes of work such as in Building Schools for the Future and Market Testing.
- 12 There have been demonstrable improvements in business risk assessments; risks have either decreased, as a result of being managed and mitigated, or in some cases increased due to the turbulence in the banking and financial sectors that affected the economy and its inevitable knock on effect. These risks have been monitored throughout the course of events during the year and the Corporate Management Team, now Executive Management Team, have focussed on key areas of risks through the ongoing review and maintenance of the Corporate Risk Register.
- 13 It is notable that risk is being used as a natural part of the council's business processes and is no longer seen as an add-on or separate bureaucratic process. There will always be an element of process in terms of risk registers, framework and policy but there has been a fundamental change in the way risks are more routinely identified and managed. For example all Divisions submitted risk registers as part of the business planning round and these are relied on to inform the audit plan and the year end Assurance Statement in the Annual Accounts.

- 14 This has been delivered through very testing economic times and the comprehensive scrutiny of risk undertaken quarterly by the Audit Committee has been robust and effective. Benefits from the process include a reduction of significant control weaknesses in the Annual Governance Statement to just two remaining entries, one being IT business continuity carried over from the previous year.

Internal Audit

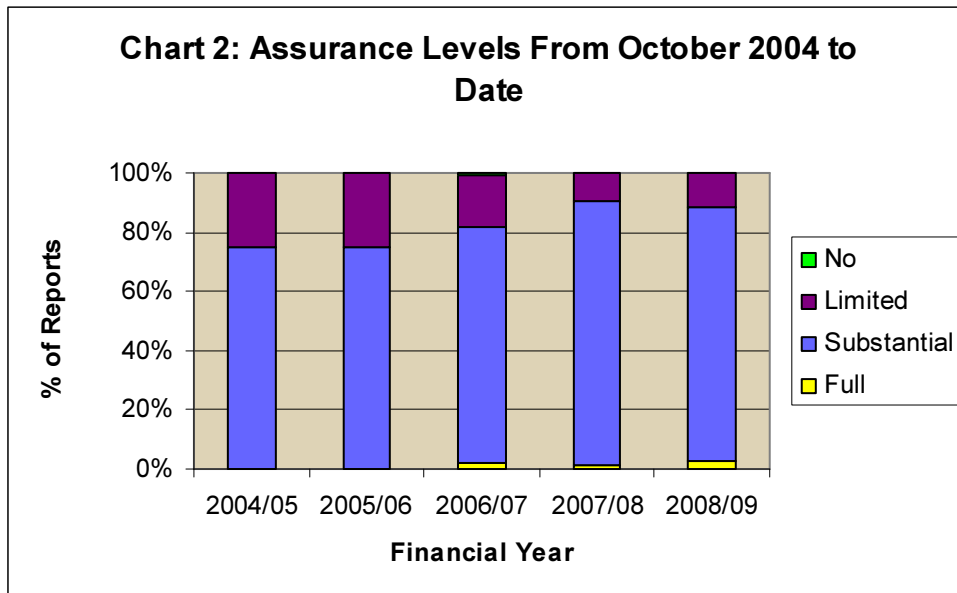
- 15 The Council's internal audit service is outsourced to Deloitte & Touche Public Sector Internal Audit Ltd, who began delivering the service on 1st October 2004 and won the contract re-tender starting from 1 April 2008.
- 16 The Internal Audit plans for the 2008/09 year were based on the departmental and the corporate risk registers supported by the production of an Assurance Framework. The daft plans were then reviewed and updated with departments through annual planning meetings with their Department Management Teams.
- 17 The audit work that was completed for the year to 31 March 2009 involved 98 separate reviews of which 80 received an audit assurance by year end. The levels of audit assurance achieved on the systems audited at year end are depicted in **Chart 1** below. This shows that 87% of the systems audited achieved an assurance level of substantial or higher, while 13% received an assurance level of limited or lower.

Chart 1: - Assurance Levels for the year to 31 March 2009



- 18 There were two audits where FULL assurance opinion was issued. NIL assurance was not provided for any audits. Of the 10 limited assurances reported at year end three have now been revised to substantial assurance which improves the picture further.

- 19 To provide a wider perspective, **Chart 2** below shows the levels of assurance provided for all systems audited since the commencement of the internal audit service contract in October 2004. This indicates the trend of the overall system of internal control which appears to be improving. Again the 2008/09 year figure has improved further since year end by reducing the limited assurance reports from 10 to 7 and therefore the percentage of substantial/full assurance reports to over 90%.



Internal Audit Performance 2007/08

- 20 The table below shows that delivery of the 2007/08 year Internal Audit plans was the most successful since the Deloitte contract began. While the target for delivery in year was not achieved this was a significant improvement on the 74% delivered in the previous year. This situation is expected to continue to improve in future years.
- 21 The table below shows delivery of 91% of the audit plan by 31 March 2009 exceeded the performance in previous years. The results of satisfaction surveys indicate that 90% of auditees are either satisfied or very satisfied with the service provided by internal audit.

Performance Indicators 2008/2009

	Performance Indicators	Annual Target	Performance	Variance
1	% of deliverables completed	95	91	-4
2	% of planned audit days delivered	98	89	-9
3	% of Audit Briefs issued 10 days before start of audit	95	60	-35

4	% of audits where exit meetings held	100	100	0
5	% of Draft reports issued within 12 working days of exit meeting	95	34	-61
6	% of Final reports issued within 5 days of receipt of reply	100	71	-29
7	Audit Recommendations in 2008-9 year in final reports accepted by customer	98	100	2
8	Audit Recommendations in 2007-8 year in final reports accepted by customer	95	100	5
9	% of audits follow ups completed	100	100	0
10	% of Satisfaction survey satisfactory+	95	90	5
11	Audit recommendations in 2008-09 year draft reports accepted by customer	95	99	4
12	Audit recommendations in 2007-08 year draft reports accepted by customer	95	100	5
13	% of 2008/09 year audit recommendations past their implementation date that have been implemented	N/A	72	N/A
14	% of 2007/08 year audit recommendations past their implementation date that have been implemented	N/A	91	N/A
15	% of 2006/7 year audit recommendations past their implementation date that have been implemented.	N/A	98	N/A

22 Indicators to evaluate the success of Internal Audit in effecting change are those measuring the implementing of audit recommendations by their due date. By the 31 March 2009 a total of 100% of those due in the 2005/06 year had been implemented, while 98% of those for the 2006/07 year and 91% of those for the 2007/08n year had been implemented. This shows that the steps taken to improve implementation have been effective.

Anti-Fraud

23 During the 2008/09 year CAFS (Corporate Anti-Fraud Service) delivered 186 successful outcomes, a significant year on year improvement and an increase of 93.75% over the performance results achieved by the Council's disparate fraud teams the year before CAFS was formed in 2006. As a consequence of its counter fraud work the unit identified recoverable income to the Council of £297k, the income actually received in-year helped the unit to produce a year end underspend against budget of approximately £90k.

- 24 Where possible a financial value has been placed on the counter fraud work that CAFS undertakes, which amounted to £733,331. Additionally CAFS manages the NFI (National Fraud Initiative) work that the Council undertakes, the last exercise which concluded in the 2008/09 financial year identified a level of fraud and error totalling £547,381 making a total value of approximately £1.2 million which is comparable to the costs of running the service. This does not account for any additional value such as the deterrent effect which the services delivers from its publicised results and its awareness programmes plus the proactive work undertaken to prevent fraud occurring in the first place.
- 25 The Service continues to deliver project work outside of its core function, and for which it is separately funded, particularly in the area of Private Sector Leasing / Housing Association Leasing tenancy verification, and in the work undertaken for H&F Homes.
- 26 The CAFS working relationship with the police goes from strength to strength and continues to be mutually beneficial to both parties. The arrangements have been recognised publicly and received significant positive media coverage within the London area in relation to a recent high profile multi agency approach on tackling crime. In fostering relations with the police, our work has drawn a notable best practice comment from the Audit Commission. In 2008/09 16 joint CAFS and Police arrests were made in relation to significant fraud matters and restraints on assets applied in excess of £250,000. One of the subjects arrested under a joint multi agency tasking group involving the Police, HMRC and CAFS officers was found to be in possession of a significant quantity of Class 'A' drugs and evidence was found supporting an allegation of Benefit Fraud. This, along with a similar investigation-involving drug related offences and benefit fraud has attracted significant positive media interest and saw one member of the CAFS team being aired on the Bravo prime time Television Programme - 'Brit Cops'.
- 27 The CAFS relationship with the police and other law enforcement agencies continues to grow and develop with over 150 Police Intelligence checks being made by CAFS Officers to support police investigations which underpin the Police HARM agenda on tackling crime within the Borough. It has not been possible to gauge the success of this new working partnership with the Police, as it is a new area of work for CAFS. However, early indications are positive and CAFS are currently in talks with Hammersmith and Fulham Police with a view to seconding a CAFS officer to the police to develop an intelligence lead pro-active anti fraud role. Aside from our work with the Police, CAFS have enjoyed 13 successful prosecutions in the 2008/09 financial period with a total of 16 summonses being issued.
- 28 The CAFS Management Team, in conjunction with the City University London Economic Crime Facility and the City of London Police Fraud Directorate are developing a career development training program, which underpins their work and focuses on identifying and developing core investigation skills. It has been recognised that this area of training could also benefit other enforcement areas within the Council and an invite has been distributed to those service divisions.

- 29 The annual fraud survey showed a general increase in the level of fraud awareness across the Council. The results showed that some areas of the council had a lower level of awareness than others, in particular two departments and staff employed at below Grade PO1. This will be addressed through the 2009/10 year awareness programme. No whistle blowing disclosures have been made in the year.
- 30 During the financial period 2008/09 CAFS has enjoyed significant successes and improvements in delivery. The service plans to continue to improve on its performance and is looking at ways to deliver more benefits to the council. To this end a greater proportion of resource is being put into its pro-active preventive work programmes as well as its working relationships with the police.

Annual Accounts and Financial Reporting

- 31 Following training/education provided to the Committee on local government accounts, the Committee reviewed the 2007/08 year annual accounts in its meeting in June 2008 in undertaking its role as the Approval of Accounts committee. The training helped ensure that the Committee interpreted the accounts effectively and raised informed questions.

Future developments

- 32 There continues to be a great deal of interest in governance. This includes the requirement to review governance across the council annually with the results reported through the Annual Governance Statement to the Committee as part of its role as the Approval of Accounts Committee.
- 33 Following the signing of a new Service Agreement for the delivery of Internal Audit, the service has moved to a "Risk Based Internal Audit Service" that is more heavily integrated with risk management, ensuring that these activities work more closely together and are better integrated.
- 34 Some of the more significant areas of risk are considered to include:
- a. council contracts, including letting contracts and their management. As the council continues to increase the scale of contracting including its market testing programme for services and major programmes such as Building Schools for the Future and Decent homes, this risk continues to grow;
 - b. general procurement, which is always subject to relatively high risk because it is a distributed, delegated process and through which significant sums are expended;
 - c. Housing, principally in relation to the council house estate, its effective management and maintenance plus related fraud risks.

Resources will continue to be directed towards these areas in the coming years

**AUDIT COMMITTEE
TERMS OF REFERENCE**

1. MEMBERSHIP

- 1.1 The membership of the Audit Committee shall consist of 4 Councillors (3 Administration, 1 Opposition, all non-Cabinet Members).**
- 1.2 The Chairman will be drawn from one of the Administration Councillors, the Vice-Chairman will be the Opposition Councillor.**
- 1.3 The Committee may co-opt non-voting independent members as appropriate.**

2. QUORUM

- 2.1 The quorum for a meeting shall be 2 members.**

3. VOTING

- 3.1 All Councillors on the Committee shall have voting rights. In the event of an equality of votes, the Chairman of the Committee shall have a second or casting vote. Where the Chairman is not in attendance, the Vice-Chairman will take the casting vote.**

4. PROCEDURES

- 4.1 Council procedure rules (as applicable to Committees) shall apply at all meetings of the Committee.**
- 4.2 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).**

5. MEETINGS

- 5.1 The Audit Committee will meet at least four times a year. Meetings will generally take place in the spring, summer, autumn, and winter. The Chairman of the Committee may convene additional meetings as necessary.**
- 5.2 Audit Committee meetings will normally be attended by the Director of Finance and Corporate Services, the Head of Internal Audit, a representative of External Audit, and the Risk Management Consultant. The Committee may ask any other officials of the organisation to attend to assist it with its discussions on any particular matter.**
- 5.3 The Chief Executive may ask the Audit Committee to convene further meetings to discuss particular issues on which the Committee's advice is sought.**

6. REPORTING

6.1 The Audit Committee will formally report back in writing to the full Council at least annually.

7. RESPONSIBILITIES

7.1 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;
- 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.

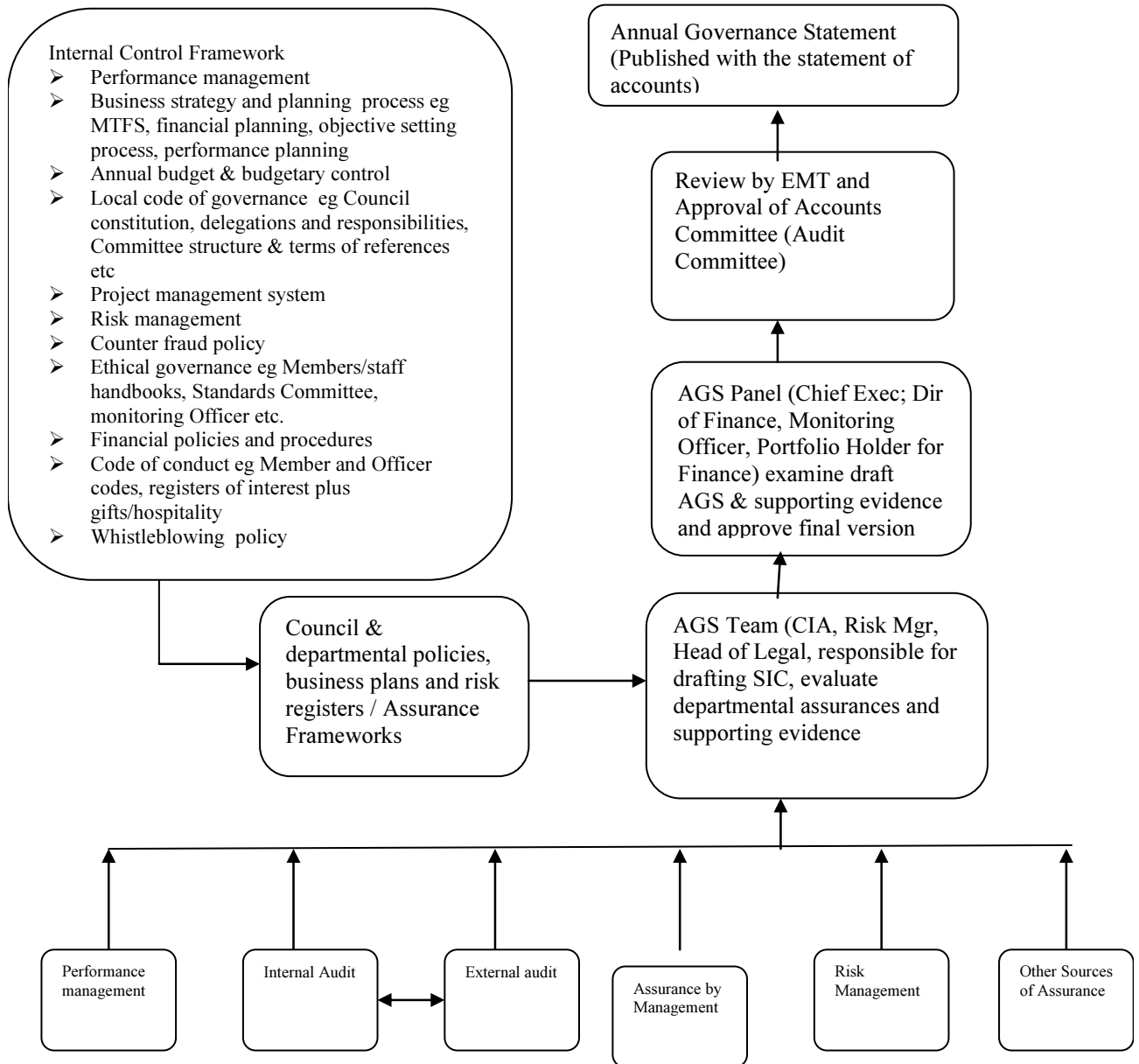
7.2 The Committee's responsibilities in relation to the annual accounts will include:

- to approve the Council's Statement of Accounts, in accordance with the deadlines set out in the Accounts & Audit Regulations 2003;
- to consider any report as necessary from the external auditor under Statement of Auditing Standard 610;
- to re-approve the Council's Statement of Accounts following any amendments arising from the external audit, in accordance with the deadlines set out in the Accounts & Audit Regulations 2003.

7.3 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 of 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.

Council Framework for the Statement on Internal Control



LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	CIPFA publication 'Audit Committees – practical guidance for local authorities	G. Drake Ext. 2529	Finance and Corporate Services department 6 th Floor Town Hall Extension



REPORT TO COUNCIL

28 OCTOBER 2009

LEADER
*Councillor Stephen
Greenhalgh*

**TREASURY MANAGEMENT OUTTURN
REPORT**

WARDS
All

Summary

This report provides information on the Council's debt, borrowing and Investment activity for the financial year ending 31st March 2009

The report is to note the borrowing and investment activity for the period 1st April 2008 to 31st March 2009.

CONTRIBUTORS

DFCS
ADLDS

RECOMMENDATION:

The Council is asked to note the borrowing and investment activity for the period 1st April 2008 to 31st March 2009.

1.0 INTRODUCTION AND BACKGROUND

- 1.1 The Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management 2001 was adopted by this Council in January 2002 and this Council Fully complies with its requirements.
- 1.2 It is a statutory requirement to report to full Council the results of the Council's Treasury Management activities in the preceding financial year. This report deals with 2008/09.

This annual report covers:

- The Council's treasury position as at 31 March 2009 (Para. 3)
- Economic Review (Para.4)
- Interest rates (Para. 5)
- Performance measurement (Para. 6)
- Investment and borrowing outturn for 2008/09 (Para. 6)
- Debt rescheduling (Para. 7)
- Compliance with treasury limits and Prudential Indicators (Para. 8)

2. CURRENT TREASURY POSITION

The Council's borrowing position at the beginning and end of the year is set out in Table 1.

Borrowing by the Housing Revenue Account (HRA) increased by £59.7million in 2008/09. However, total external borrowing by the Council increased by only £10million in 2008/09 reflecting the decision to delay external borrowing both in the expectation of lower future interest rates and to reduce the holding of cash balances. The reduction in General Fund borrowing of £49.7million represents a reduction of £12.2million in the General Fund borrowing requirement and £37.5million in the use of internal cash balances (internal borrowing).

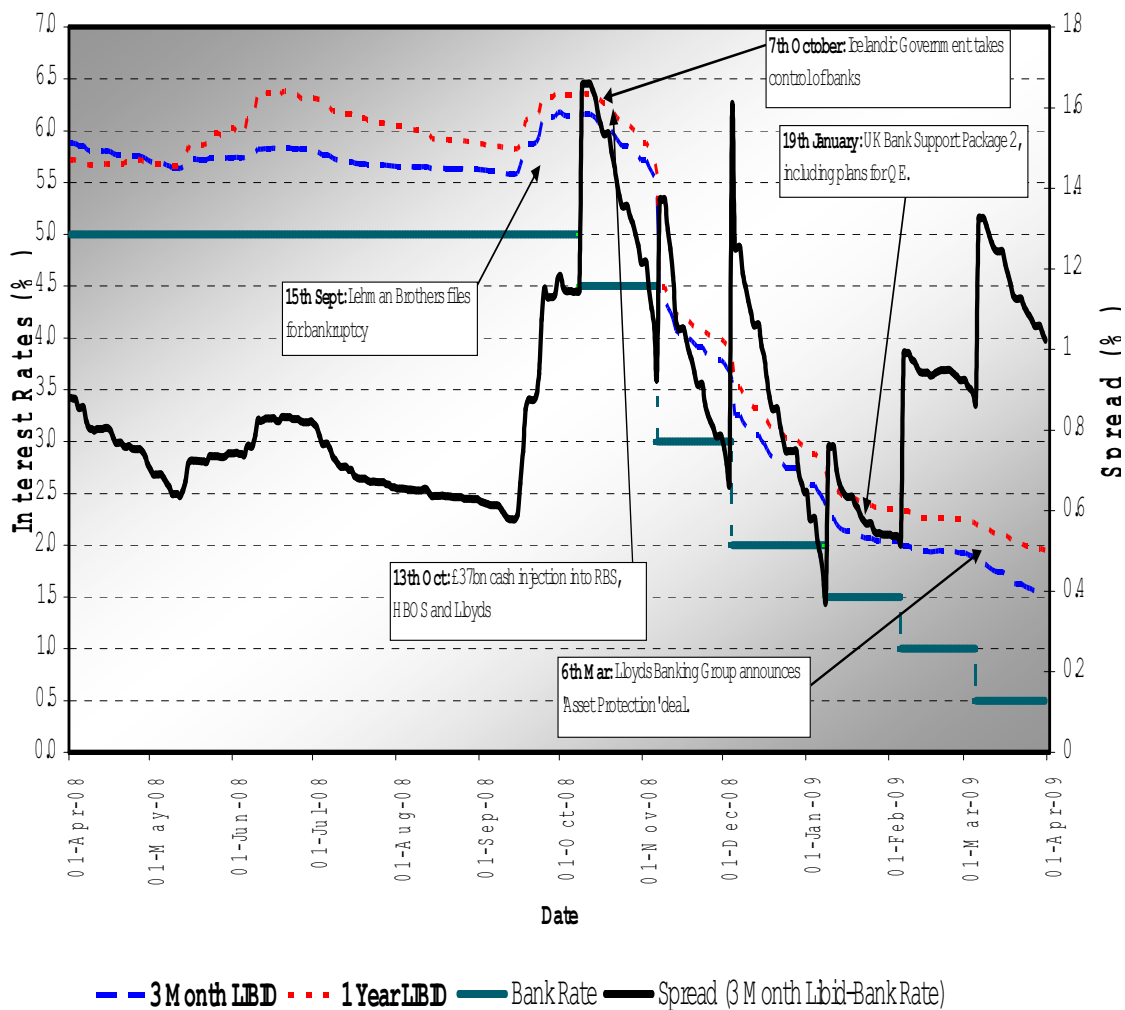
Table 1 – Outstanding Debt

	31 March 2008		31 March 2009	
	Principal	Ave. Rate	Principal	Ave. Rate
	£000's		£000's	
Fixed Rate - PWLB	388,520		398,520	
Variable Rate - PWLB	Nil		Nil	
Market & Temporary Loans	Nil		Nil	
Total	388,520	6.09%	398,520	6.06%
HRA Borrowing	293,699		353,440	
Non HRA Borrowing	94,821		45,080	
Balance	388,520		398,520	
Total Investments	111,700	5.86%	76,000	4.94%

3. ECONOMIC REVIEW

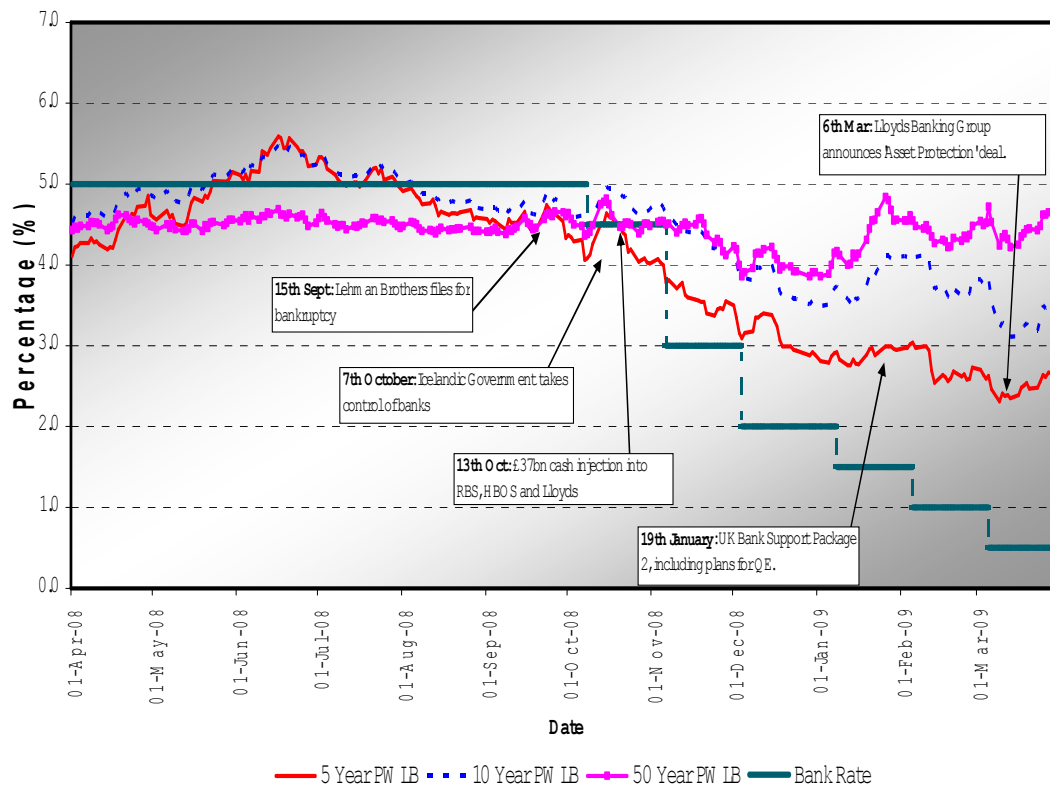
3.1 In a year that can only be described as unparalleled and extraordinary the Annual Treasury Report for 2008/09 is summarised in the graphs below. These graphs show the major events of the financial year and the impact they had on both PWLB and investment rates. The financial crisis, commonly known as the 'credit crunch', had a major downward impact on the levels of interest rates around the world. Although interest rates initially fell sharply in the US they were followed, eventually, by the Bank of England.

Bank Rate vs. Investment Rates 2008-09 and Spread Between 3 Month Libid & Bank Rate



This graph shows that whilst base rates were substantially reduced over the period October 2008 to March 2009, LIBID rates reduced at a much slower rate and remained higher than base rates by around 0.5% to 1.0% over the period. (See para 4.2 below)

PW LB Borrowing Rates vs. Bank Rate 2008-09



This graph shows that whilst base rate reduced over the period October 2008 to March 2009, long term PWLB rates remained largely unchanged, although there was some fluctuation whereas short term PWLB rates reduced sharply (see para. 4.3 below).

- 3.2 On the 1st April 2008 Bank Rate was 5% and the Bank of England was focused on fighting inflation. Market fears were that rates were going to be raised as CPI (Consumer Price Index), the Government's preferred inflation target, was well above the 2% target (two years ahead). The money market yield curve reflected these concerns with one year deposits trading well above the 6% level. Public Works Loan Board rates in both 5 and 10 years edged above Bank Rate during the summer as markets maintained the belief that inflation was the major concern of the monetary authorities. The money markets were reflecting some concerns about liquidity at this time and, as shown in the graph, the spread between Bank Rate and 3 month LIBOR was greater than had historically been the case.
- 3.3 This phase continued throughout the summer until the 15th September when Lehman Brothers, a US investment bank, was allowed to file for bankruptcy in the total absence of any other institution being willing to buy it due to the perceived levels of toxic debt it had. This event caused a huge shock wave in world financial markets and threatened to completely destabilise them. As can be seen from the charts this also led to an immediate spike up in investment rates as markets grappled with the implications this might have on other financial institutions, their credit standing and indeed their viability. On 7th October the Icelandic government took control of their banks and this was followed a few days later by the UK government pumping a massive £37bn into three UK clearing banks, RBS/HBOS/Lloyds, as liquidity in the markets dried

up. The Monetary Policy Committee meantime had reduced interest rates by 50bp on 9th October. This had little impact on 3 month LIBOR, however, as the spread, or 'disconnect' as it became known, against Bank Rate widened out. On the other hand the short end of the Public Works Loan Board fell dramatically as investors, very concerned about their counterparty limits post the Icelandic banks' collapse, fled to the quality of Government debt forcing yields lower.

- 3.4 Market focus now shifted from inflation concerns to concerns about recession, depression and deflation. Although CPI was still well above target it was seen as no barrier to interest rates being cut further. The MPC duly delivered another cut in interest rates in November, this time by an unprecedented 1.5%. Investors continued to pour money into Government securities across the curve, at the front end because of credit concerns and the longer end because of the economic consequences reducing inflation, driving yields in 10 year Public Works Loan Board temporarily below 4% and 5 years to around 3.5%. In December as the ramifications of the 'credit crunch' became increasingly clear the Bank of England cut interest rates to 2%-a drop this time of 1%. The whole interbank yield curve shifted downwards but the 'disconnect' at the short end remained very wide, negating to some degree the impact of the cuts in Bank Rate. 50 year Public Works Loan Board rates dropped below 4% at the turn of the year, marking the low point, as it turned out, in this maturity.
- 3.5 The New Year of 2009 brought little relief to the prevailing sense of crisis and on 8th January the Monetary Policy Committee reduced rates by 0.5% to 1.5%, a record low. More Government support for the banking sector was announced on 19th January 2009. The debt markets had a sharp sell-off at this stage as they took fright at the amount of gilt issuance likely to be needed to finance the help provided to the banks. There was also discussion about further measures that could be introduced to kick start lending and economic activity. These included quantitative easing by the Bank of England, effectively printing money.
- 3.6 In February 2009 the Monetary Policy Committee adopted the traditional method of monetary easing by cutting interest rates again by 0.5% to 1%. Interbank rates drifted down with the spread in the 3 months still well above Bank Rate. In early March Lloyds Banking Group, which now included HBOS, took part in the Government's Asset Protection scheme. The Monetary Policy Committee cut interest rates yet again to 0.5% and announced the quantitative easing scheme would start soon. This scheme would focus on buying up to £75bn of gilts in the 5-25 year maturity periods and £10 -15bn of corporate bonds. This led to a substantial rally in the gilt market, particularly in the 5 and 10 year parts of the curve, and PWLB rates fell accordingly. Finally at the end of March it was announced that the Dunfermline Building Society had run into difficulties and its depositors and good mortgages were taken over by Nationwide whilst the Treasury took on its doubtful loans.
- 3.7 The financial year ended with markets still badly disrupted, the real economy suffering from a lack of credit, short to medium term interest rates at record lows and a great deal of uncertainty as to how or when recovery would take place.

4. BORROWING AND INVESTMENT RATES 2008/09

- 4.1 **12- month bid:** One year LIBID fluctuated between around 5.7% to 6.4% with two peaks driven by credit crunch fears in June and September. Bank Rate had been held at 5.0% until October 9 when the first of a series of major cuts caused 12 month LIBID in 2008-09 to be on a rapidly falling trend to the end of the financial year, reaching 1.85% at the end.
- 4.2 **Long-term interest rates** – The PWLB 45-50 year rate started the year at 4.43% (25 years at 4.62%) and was then generally within a band of 4.3% - 4.6% (4.6% - 5.0%) until mid October when there was a spike up to 4.84% (5.08%) followed by a plunge down to 3.86% (4.03% late December. Further spikes of 4.84% (4.86%) and 4.72% (4.69%) occurred in late January and early February with the year closing out at 4.58% (4.28%). It was not uncommon to see rates fluctuating by 40-50 basis points within a few weeks during this year.

5. PERFORMANCE MEASUREMENT

- 5.1 Debt Performance - As shown in para 2.1 the average debt portfolio rate has reduced over the course of the year from 6.09% to 6.06%.
- 5.2 An analysis of the Council's long term (PWLB) borrowings by maturity (i.e. date of repayment) is as follows:

PWLB	31 March 2008 £000s	31 March 2009 £000s
Up to two years	0	0
Between two and five years	16,174	36,430
Between five and ten years	78,282	66,026
More than ten years	<u>294,064</u>	<u>296,064</u>
Total	<u>388,520</u>	<u>398,520</u>

- 5.3 An analysis of movements on loans and investments during the period is shown below:

	Balance 31.03.08 £000s	Loans/Invs Raised £000s	Loans/Invs Repaid £000s	Balance 31.03.09 £000s
PWLB	388,520	10,000	0	398,520
Temporary loans	0	0	0	0
Total debt	<u>388,520</u>	<u>10,000</u>	<u>0</u>	<u>398,520</u>
Investments	<u>111,700</u>	<u>806,250</u>	<u>841,950</u>	<u>76,600</u>

- 5.4 From 1 April 2008 to 31 March 2009 the Council took 1 new Public Works Loan Board loans of £10 million.

- 5.5 Investment Performance – The Council manages its investments in-house and invests with the institutions listed in the Council’s approved lending list. The Council invests for a range of periods from over night to 364 days, dependent on the Council’s cash flow, its interest rate view and the interest rates on offer.

	Average Investment	Average Interest Rate	Benchmark Return
Internally Managed	£123,000,000	4.94%	3.56%

- 5.6 The benchmark for internally managed funds is the weighted average 7-day LIBID rate sourced from the Financial Times.
- 5.7 Investments as at 31 March 2009 stood at £76,000,000, whilst the average for the year was £123,000,000. The Council exceeded the benchmark return by 1.38%.
- 5.8 Following the failure of the Icelandic banks in October 2008 the Council took a cautious approach to lending and is operating a restricted lending list in that we would only lend to UK Government guaranteed financial institutions, top 3 Irish Banks covered by the Irish Government guarantee plus the UK government. Subsequently, we stopped making any new investments to Irish Banks, following the down grading of the sovereign credit rating for Ireland.
- 5.9 The Council has also looked to increase it’s credit criteria by not only looking at the long term ratings but other rating components that the rating agencies use such as short term, individual and support rating plus the country sovereignty rating. This methodology was approved at Council on 25th February 2009.
- 5.10 Since the report to Council the banking sector has remained an area of uncertainty and the current policy is that whilst we maintain our lending list in accordance with agreed limits, We continue to operate a more restricted lending list and are only lend to UK Government guaranteed institutions and the UK Government.

6. DEBT RESCHEDULING

- 6.1 The strategy for 2008/09 assumed that 25 and 50 year PWLB rates would vary little during the year. The main way for making savings was therefore to consider the potential for moving from PWLB debt to LOBOs at lower rates. This did not prove to be viable as due to the credit crunch, the supply of LOBO finance generally dried up during the year.
- 6.2 After the Icelandic banks defaulted in October, the Council undertook a review of its investing and borrowing strategies. In the light of the perceived increased risk around holding spare cash as investments and the likely poor rate of return available on such investments once the Monetary Policy Committee had made further cuts in Bank Rate, it was decided to run down cash balances by not undertaking new borrowing from the PWLB to finance capital expenditure. It

was also expected that interest rates were likely to reduce over the next financial year and it was decided to delay borrowing.

- 6.3 On 1st November 2007 the PWLB imposed two rates for each period, one for new borrowing and a new, significantly lower rate for early repayment of debt. The differential between the two rates ranged from 26bp (basis points) in the shorter dated maturities to over 40bp in the longer ones. They also introduced daily movements of 1bp instead of 5bp and rates in half year periods throughout the maturity range (previously had been mainly in 5 year bands). These changes effectively meant that from restructuring the portfolio into new PWLB borrowing would not produce savings.

7. COMPLIANCE WITH TREASURY LIMITS

- 7.1 During the financial year the Council operated within its treasury limits and the Prudential Indicators as set out in the Council's Treasury Strategy Report. The Prudential Indicators were reported to Value for Money Scrutiny Committee every 3 months and the limits have not been exceeded.

8. COMMENTS OF THE DIRECTOR OF FINANCE

- 8.1 The comments of the Director of Finance are contained within this report.

9. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 9.1 There are no direct legal implications for the purpose of this report.

10. RECOMMENDATIONS

- 10.1 To note the borrowing and investment activity for the period 1st April 2008 to 31st March 2009.

LOCAL GOVERNMENT ACT 2000 - BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Loans and Investments Ledger	Rosie Watson Ext: 2563	2 nd Floor Town Hall Ext.
2.	Treasury Management documents	Rosie Watson Ext: 2563	2 nd Floor Town Hall Ext.

Agenda Item 6.4



REPORT TO COUNCIL

28 OCTOBER 2009

LEADER

Councillor Stephen Greenhalgh

**DEPUTY LEADER
(+ENVIRONMENT)**

Councillor Nicholas Botterill

**LONDON LOCAL AUTHORITIES AND
TRANSPORT FOR LONDON ACT 2008 –
APPOINTED DAY. ADOPTION OF POWERS
UNDER PART 5 – NON PAYMENT OF
PENALTY CHARGE NOTICES.**

WARDS

ALL

Summary

This report details new powers that the Council is able to utilise in order to deal with Persistent Evader vehicles (i.e. those with multiple unpaid Penalty Charge Notices) under the legislation detailed above.

The report also seeks a resolution by Full Council that the 'Appointed Day' on which these powers will be adopted shall be the 4th January, 2010.

CONTRIBUTORS

DENV
DFCS
ADLDS

RECOMMENDATION:

That Council resolves that the appointed day for which Part 5 of the London Local Authorities and Transport for London Act 2008 shall come into operation on public highways for which the London Borough of Hammersmith and Fulham is the Highways Authority shall be the 4th January, 2010.

1.0 BACKGROUND

- 1.1 The London Local Authorities and Transport for London Act 2008 received royal assent on 21st July 2008.
- 1.2 Part 5 of the Act provides further powers allowing authorities to recover unpaid penalty charge notices (PCNs) issued for parking contraventions committed by persistent evaders. A persistent evader is defined as a vehicle that has three or more PCNs unpaid that are not the subject of appeal.
- 1.3 The Act requires London local authorities to make a resolution fixing an appointed day from which the authority will begin to bring into operation the powers under Part 5 of the Act.
- 1.4 The adoption of these powers will allow authorities, in London, to locate, immobilise, remove and impound persistent evader vehicles that are legally parked. It also allows authorities to require the payment of all outstanding penalties before a vehicle is released.
- 1.5 The Act allows that enforcement action may be undertaken by one local authority on behalf of another. For example; a persistent evader for borough "A" could be located within the boundaries of borough "B". Borough B may immobilize and impound that vehicle on behalf of borough A and commence the debt recovery action. It is envisaged that this type of enforcement action will be the exception rather than the norm due to possible financial accounting problems. However, one of the aims of the pilot is to test this aspect of the legislation by carrying out "cross border" joint operations during phase 2 of the pilot.
- 1.6 The Act also allows for the provision of a bond (in an amount to be fixed by London Councils TEP) to be paid by the owner of the vehicle, on the provision of verifiable proof of an address, similar to the scheme operated by DVLA for untaxed vehicles. Payment of this bond will allow the registered keeper/owner of the vehicle to make any representations or appeals against the enforcement action and will assist authorities in establishing the ownership and location of the owner of unregistered vehicles.
- 1.7 The City of Westminster, Royal Borough of Kensington and Chelsea, the London Boroughs of Ealing, Camden, Hackney, Wandsworth and Hammersmith and Fulham have been asked by London Councils to carry out a pilot project using the new powers. The experience from this pilot project will be used to provide guidance to other boroughs when the powers are fully rolled out.

2.0 PILOT SCHEME STRATEGY

- 2.1 London Councils is currently running phase 1 of a pilot scheme concerned with the new powers provided by the Act. The aim of phase 1 of the pilot is to:

- evaluate the legislation and how it can be applied operationally to enforce against persistent evaders;
- produce a framework agreement document so that all authorities using the legislation may do so effectively and lawfully and to enforce on each others behalf;
- produce a Code of Practice in accordance with Part 5 of the Act;
- Identify and document procedures and processes for the operational phase of the pilot;
- Identify and source any resources required for phase 2 of the pilot.

2.2 The initial meeting of the pilot group took place at London Councils offices on Tuesday 12th May 2009. It is envisaged that phase 1 will take approximately 6 months to complete.

3.0 PILOT SCHEME – PHASE 2

3.1 Phase 2 of the pilot will be the operational phase and will commence on completion of phase 1.

3.2 The provisional date set for the commencement of phase 2 is Monday 4th January 2010. This should be the “Appointed Day” approved by the Council for the adoption of the new powers under the Act.

3.3 The aims and objectives of Phase 2 of the pilot are as follows:

- To test the procedures and processes produced in phase 1
- To test the legislation by evaluating each stage of the procedure through to the adjudication stage
- To amend procedures where problems are encountered
- To roll out the powers to all London authorities on completion of the pilot.

4.0 BENEFITS OF THE POWERS PROVIDED UNDER THE NEW ACT

4.1 At present we are unable to take any enforcement action against a persistent evader vehicle if it is legally parked.

4.2 If a persistent evader vehicle is removed under existing legislation we are restricted to collecting the release fee and current PCN only. The new Act requires the payment of all outstanding penalties before release.

4.3 The Act provides for (and encourages) closer working between Local Authorities and the sharing of information to achieve a common aim to target persistent evader vehicles.

4.4 Bailiff companies acting on behalf of Councils are increasingly using ANPR (automatic number plate recognition) technology to identify vehicles with outstanding warrants. This technology lends itself to the powers provided by the Act in that it can also be used to identify persistent evader vehicles.

- 4.5 The powers provided to Councils under the Act provide an opportunity to provide a clear deterrent message to persistent offenders and the general public in that Councils are joining forces to tackle the issue, making detection (and consequently enforcement action) against such vehicles much more likely.

5.0 FINANCIAL IMPLICATIONS

- 5.1 Phase 1 of the pilot is being funded by London Councils
- 5.2 In phase 2 London Councils will cover the costs of the nominated Project Manager. Authorities participating in the pilot will be required to provide resources from their existing infrastructures. It is anticipated that any costs will be minimal.
- 5.3 One of the purposes of the pilot scheme is to establish an indication of the likely costs involved when Councils undertake enforcement action on behalf of another Authority.

6.0 RECOMMENDATIONS

- 6.1 It is recommended that the Council resolves that the appointed day for which Part 5 of the London Local Authorities and Transport for London Act 2008 shall come into operation on public highways for which London Borough of Hammersmith and Fulham is the Highways Authority shall be 4th January 2010.

7.0 COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 7.1 "As set out in the body of the report, the costs of phase one of the pilot are being met by London Councils. From January 2010 the Council will be expected to contribute towards the costs of the project manager, although these costs are anticipated to be minimal and should be offset by income received that the Council would otherwise have had to write off. Officer will need to monitor the impact of the pilot to ensure that all costs are contained within existing resource levels."

8.0 COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 8.1 The legal implications are set out in the body of the report.

9.0 PREDICTIVE EQUALITY IMPACT ASSESSMENT (PEIA)

- 9.1 A PEIA in respect of this report has been submitted.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	<i>Name/Ext of holder of file/copy</i>	Department/ Location
1.	London Local Authority and Transport for London Act 2008	Steve Higgins X3275	Environment Services/ Highways & Eng/ Parking Services
2.	London Councils (TEP) – Advisory Memorandum and Reports	Steve Higgins X3275	Environment Services/ Highways & Eng/ Parking Services
CONTACT OFFICER:		NAME: Steve Higgins EXT. 3275	



REPORT TO COUNCIL

28 OCTOBER 2009

**DEPUTY LEADER
(+ENVIRONMENT)**
*Councillor Nicholas
Botterill*

**GAMBLING ACT 2005 – COUNCIL'S
STATEMENT OF GAMBLING PRINCIPLES**

WARDS

All

**CABINET MEMBER
FOR CRIME AND
STREET SCENE**
Councillor Greg Smith

Summary

This report seeks approval for the Council's Statement of Gambling Principles and to renew the Council's 'no casino' resolution, which has been subject to public consultation.

The Act requires the Local Authority, as the Licensing Authority, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the statement applies.

Full Council must approve and publish this Statement of Principles by 3 January 2010 to come into effect on 31 January 2010.

Once approved, the Statement of Principles will be the key document which the Licensing Authority and Licensing Sub-Committee will use to assist in the determination of gambling premises licence applications.

CONTRIBUTORS

DENV
DFCS
ADLDS

Recommendation:

That Council:

- 1. approve and adopt a 'no casino' resolution;**
- 2. approve and adopt the Statement of Gambling Principles set out in Appendix 1 to this report, that it be published, and that the Director of Environment be authorised to make minor amendments or any changes arising from the publication of secondary legislation and guidance.**

1. BACKGROUND

- 1.1. The Gambling Act 2005 (to be referred to as 'the Act') created a new system of licensing and regulation for commercial gambling. The Act gives Local Authorities powers to licence premises for gambling, some of which were previously under the jurisdiction of the Magistrates Court.
- 1.2. The Act created a unified regulator for gambling in Great Britain, the Gambling Commission, and a new licensing regime for commercial gambling to be conducted by the Commission or by Licensing Authorities dependant on the matter to be licensed. The only exceptions are spread betting (regulated by the Financial Services Authority), remote gambling (regulated by the Gambling Commission) and the National Lottery (regulated by the National Lottery Commission). The Gambling Commission and the Licensing Authority share responsibility for all matters previously regulated by the Magistrates Court.
- 1.3. The Gambling Commission is responsible for granting operating and personal licences for commercial operators and personnel in the industry. Whilst the Licensing Authority issues premises licences for:
 - Betting offices and race tracks
 - Bingo clubs
 - Adult gaming centres
 - Family entertainment centresAnd permits for:
 - Gaming machines in alcohol-licensed premises, such as pubs
 - Gaming machines for members clubs
 - Gaming in members clubs
 - Family entertainment centres not licensed to sell alcohol (category D machines only, i.e. those that have the lowest level of stakes and prizes)
 - Occasional and temporary use notices
 - Provisional statements
- 1.4. In exercising most of the Council's functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
 - 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.
- 1.5. Section 153 of the Act requires that, in making decisions about premises licences and temporary use notices, the Council shall permit the use of premises for gambling in so far as it thinks it is:
 - in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's Statement of Gambling Principles.

2. STATEMENT OF GAMBLING PRINCIPLES

- 2.1. The first Statement of Gambling Principles came into effect on 31 January 2007. Licensing Authorities are required to prepare and publish a Statement of Gambling Principles which they propose to apply when exercising their functions under the Act every 3 years. It can be reviewed and republished during the three year period in which it has effect. Appendix 1 sets out the amended draft Statement of Gambling Principles proposed to be adopted by this Council.
- 2.2. Some amendment is required to update the Statement of Gambling Principles, having regard to changes made to the Statutory Guidance issued by the Gambling Commission. In reviewing the Statement of Gambling Principles there have only been minor alterations, as detailed in paragraph 2.3 below.
- 2.3. There has been concern that some premises may be sub-divided purely to take advantage of additional gaming machine entitlements offered by two separate premises licences. An additional paragraph in the Policy (paragraph 3.4) seeks to provide clarification on this matter and outlines several questions that an operator would need to answer before subdivision of a premises could be considered. This and other amendments have been highlighted in bold, in Appendix 1.
- 2.4. Whilst the Licensing Authority must have regard to this Statement of Gambling Principles it does not have to follow it completely in every case, but it must be taken into account and there must be strong defensible reasons for departing from it.
- 2.5. The Act and guidance sets out requirements as to the form and publication of the statement and includes detailed requirements on persons to consult. This has been carried out and followed.
- 2.6. The revised statement of principles will come into effect on 31 January 2010 and must be published at least 28 days prior to this date, i.e. by the 3 January 2010.
- 2.7. There are provisions under the Act for the Licensing Authority to attach conditions to a licence which relate to one of the three licensing objectives. Each application shall be dealt with on a case by case basis, but if it is felt that an applicant has not dealt with the provision of protecting children and vulnerable people adequately, conditions may be attached to the licence such as:
 - all gaming machines are in an area of the premises which is separated from the rest of the premises by a physical barrier which is effective to prevent access other than through a specific entrance;
 - only adults are allowed into the area where these machines are;
 - access to the area where the machines are is supervised;
 - the area where these machines are arranged must be so that it can be monitored by the staff or the licence holder;

- recognised proof of age schemes to be in place;
- at the entrance to, and inside any such areas, notices should be clearly displayed showing that people under 18 are not allowed in the area;
- the positioning of the entrance and gaming machines;
- closed circuit television to be provided;
- the requirement for door supervisors;
- specific opening hours;
- self barring schemes;
- providing information leaflets and helpline numbers for organisations such as Gamecare.

3. 'NO CASINO' RESOLUTION

- 3.1. Section 166 of the Act states that a Licensing Authority may resolve not to issue casino premises licences. The decision to pass such a resolution may only be taken by the authority as a whole and cannot be delegated to the licensing committee. In passing such a resolution the authority may take into account any relevant principles or matters, not just the licensing objectives. Where a resolution is passed it must be published by the authority in its three year Statement of Gambling Principles.
- 3.2. In addition, the Statement of Gambling Principles should include details about how the authority will take the decision to pass a 'no casino' resolution. The proposal to pass a 'no casino' resolution is set out in paragraph 16 of the draft statement of gambling principles (Appendix 1).
- 3.3. A 'no casino' policy was initially adopted by full Council on 29 November 2006 and came into effect on the 31st January 2007, at the same time as the first Statement of Gambling Principles.
- 3.4. It is proposed that a 'no casino' resolution be re-adopted on the basis that the borough is predominantly residential in nature and a casino would be out of character to the area. In addition, we have a thriving and diverse leisure and night time economy, presently centred around 3 town centres. We would not want to create an imbalance between these competing town centre economies and are concerned that a casino located in one would be likely to have this effect. As the town centres are located in close proximity to residential premises, a casino located in a town centre would increase the likelihood of nuisance.

4. PUBLIC CONSULTATION

4.1. The draft amended Statement of Gambling Principles has been approved by the Cabinet Member for Crime and Street Scene (Councillor Greg Smith) for distribution for consultation.

4.1. The Council is obliged under the Act to consult with:

- The chief officer of police
- The fire and rescue authority
- The local planning authority
- The pollution department
- The local safeguarding children's board (LSCB)
- HM Revenue and Customs

4.2. In addition to the statutory consultees, the following have also been consulted:

- Trade associations
- Residents' associations
- Ward councillors
- Businesses
- Neighbouring authorities
- Chamber of commerce
- Drug and alcohol action team
- Crime and disorder reduction partnership
- Trade unions
- Other relevant people who could be affected by this policy

4.3. Best practice guidance states that the consultation period for this statement should be 12 weeks. Due to the Council's decision making process and the fact that there are no scheduled full Council meetings between October and January, there has been a reduced consultation period of 8 weeks, from 17 August 2009 until the 11 October 2009, to meet the tight deadlines and the implementation date.

4.4. Officers sent consultation letters/emails to all of the above and details of the consultation have been included in a newsletter for businesses which goes out to approximately 1600 premises, which includes licensed premises as well as placing an advertisement in H & F News.

4.5. The statement was also published on the Council's website using the on-line consultation facility.

4.6. Each response will be examined and consideration given to the comments received. The comments received from the consultation process will be collated in time for consideration at Cabinet and Full Council and be submitted as Appendix 2.

5. NUMBER OF PREMISES WITHIN THE BOROUGH

5.1. This Authority currently has the following number of premises with a gaming permit or premises licence:

- Adult Gaming Centres - 13
- Betting Shops - 54
- Track betting premises (all the football grounds) - 3
- Gaming Permits - 59
- Small Society Lotteries - 57

5.2. There has been no significant increase or decrease in the number of premises requiring a gaming permit or a premises licence within the last three years. The most significant changes have been the closure of a Bingo hall and a slight reduction in the number of betting shops from 59 to 54.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

6.1 The report seeks to adopt the existing Statement of Gambling Principles and re-affirm its position with regard to casinos. As such this maintains the status quo and there are no financial implications

7. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

7.1 S. 349 of the Gambling Act 2005 requires the Council as a licensing authority to prepare and publish a Statement of the principles that it will apply in exercising its functions under the Act for successive three year periods from 31st January 2007. The reviewed policy must be in place at least 28 days before 31st January 2010. Regulations made under the Act prescribe a process for publicity and consultation and these requirements have been complied with. Similarly the statement of principles complies with the requirements of the regulations. The statement of principles must be adopted by full Council.

7.2 As explained in the body of the report, the Council may pass a “no casino” resolution should it consider that such a resolution is appropriate.

7.3 In considering this matter, Council needs to consider all relevant matters which are summarised in the report and in particular the results of the consultation exercise.

8. RECOMMENDATION

8.1 That Cabinet recommends that Council approves and adopts a ‘no casino’ resolution.

8.2 That Cabinet recommends to Council that it approves and adopts the Statement of Gambling Principles set out in Appendix 1, that it be published, and that the Director of Environment be authorised to make minor amendments or any changes arising from the publication of secondary legislation and guidance.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	The Gambling Act 2005	Adrian Overton x3081	Environment Services/ 5 th floor HTHX
2.	LACORS Gambling Act 2005 guidance notes to Licensing Authorities May 2009	Adrian Overton x3081	Environment Services/ 5 th floor HTHX
4.	LACORS statement of principles template – version 3 – published May 2009	Adrian Overton x3081	Environment Services/ 5 th floor HTHX
5.	List of consultees	Adrian Overton x3081	Environment Services/ 5 th floor HTHX
6.	Local Authority Gambling Return(s) for 08/09	Iain McCord x3081	Environment Services/ 5 th floor HTHX
7.	Gambling Commission fees and licence changes for August 2009	Valerie Ellison X3905	Environment Services/ 5 th floor HTHX
8.	Gambling Act 2005 fees for 09/10	Valerie Ellison X3905	Environment Services/ 5 th floor HTHX

CONTACT OFFICER:	NAME: Valerie Ellison EXT: x3905
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Statement of gambling principles

August 2009

Under the Gambling Act 2005 we must publish a statement of the principles which we are going to apply in relation to gambling. This statement will apply from **31 January 2010**. We have prepared this statement of principles after considering the guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005. We have consulted people on this policy (see page 9) 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 people again about any amended parts. If you would like more information, please contact us.

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1 Introduction

1.1 The Gambling Act 2005 (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 (regulated by the Gambling Commission) and the National Lottery (regulated by the National Lottery Commission). We, the Licensing Authority and the Gambling Commission, will share responsibility for all matters previously regulated by the magistrates' court.

1.2 The Gambling Commission will be responsible for granting operating and personal licences for commercial operators and personnel in the industry. We will issue premises licences for:

- betting offices and racetracks;
- bingo clubs;
- adult gaming centres; and
- family entertainment centres.

We will also issue permits for:

- gaming machines in alcohol-licensed premises, such as pubs;
- gaming machines for members' clubs;
- gaming in members' clubs;
- family entertainment centres not licensed to sell alcohol (category-D machines only, that is, those that have the lowest level of stakes and prizes);
- occasionally - and temporary-use notices; and
- provisional statements.

1.3 Under the Act, we must consider the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- making sure that gambling is carried out in a fair and open way; and
- protecting children and other vulnerable people from being harmed or exploited by gambling.

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:

- in line with any relevant code of practice and guidance issued by the Gambling Commission; and
- reasonably consistent with the licensing objectives and in line with the principles set out in this document.

1.5 Under the Act, we must:

- be responsible for licensing premises where gambling activities are to take place by issuing premises licences;
- issue provisional statements;
- regulate members' clubs and miners' welfare institutes that want to offer certain gaming activities by issuing club gaming permits or club machine permits (or both);
- issue club machine permits to commercial clubs;
- grant permits for certain lower-stake gaming machines at family entertainment centres that are not licensed to sell alcohol;
- receive notices from premises that are licensed to sell alcohol (under the Licensing Act 2003) that they want to use one or two gaming machines;
- issue 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;
- register small-society lotteries below set limits;
- issue prize gaming permits;
- receive and approve temporary-use notices;
- receive occasional-use notices;
- provide information to the Gambling Commission about the licences we have issued (see the section on exchanging information); and
- maintain registers of the permits and licences that we issue.

2 The borough

2.1 Hammersmith & Fulham is one of 13 inner-London boroughs. It is situated in the centre-west of London, on the transport routes between the city and Heathrow airport.

2.2 It is a long, narrow borough, running north to south with a river border at its south and south-west side. It is bordered by six London boroughs – Brent to the north, Kensington and Chelsea to the east, Wandsworth and Richmond-upon-Thames to the south, and Ealing and Hounslow to the west. Not including the City of London, it is the third smallest London borough in terms of area, covering 1,640 hectares. It has three town centres – Shepherd's Bush, Hammersmith and Fulham.

2.3 Hammersmith & Fulham is made up of 16 electoral wards. These range in size from 55 hectares to 344 hectares. These areas are shown on the map on page 9.

2.4 When producing this statement we have considered:

- local crime prevention;
- the licensing policy;
- our planning, transport, tourism and cultural strategies; and
- our equality agenda.

2.5 We consulted the following people before finalising and publishing this statement.

- The police
- Local Safeguarding Children's Board (LSCB)
- Trade associations
- Residents' associations
- Businesses
- Fire authority
- Ward councillors
- Neighbouring authorities
- Chamber of Commerce
- Drug and alcohol action team
- Crime and disorder reduction partnership
- Trade unions
- Other relevant people who could be affected by this policy

2.6 If you would like to see the full list of comments made on the draft statement, please contact us. Our contact details are on page 3.

2.7 This statement was **last** approved at a meeting of the full council on 29 November 2006 and was published on our website on 20 December 2006. Copies were put in the public libraries as well as being available in the town hall.

2.8 This statement of principles will not stop any 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 16 on page 17).

3 General principles

3.1 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.

3.2 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 also 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 a particular place is appropriate.

3.3 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.

3.4 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 from the street or a public passageway?**
- **Can the premises be accessed only from any other 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 licences 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**

3.5 We pay particular attention to the Gambling Commission's guidance for local authorities, which says the following.

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 by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing 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.**
- **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.**

3.6 You cannot get a full premises licence until the premises in which you are going to offer the gambling are built. The Gambling Commission has advised that 'the premises' means the premises in which gambling may now take place. So a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Gambling Commission emphasises that making sure the building is complete means that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

3.7 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.

3.8 If any policy is developed which affects where gambling premises can be located, we will update this statement. However, any such policy will not prevent anyone from making an application and we will consider each application individually, except for an application for a casino (see section 16 on page 17). You will have to show how any possible concerns can be overcome.

3.9 We will try to avoid repeating any work already carried out under other systems 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.

4 Conditions

4.1 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.

4.2 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 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.

4.3 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.

4.4 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.
- Access to the area where the machines are is supervised.
- The area where these machines are 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.
- At the entrance to and inside any of these areas, notices should be clearly displayed showing that people under 18 are not allowed in 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 must be provided.

4.5 These considerations will also apply to premises where more than one premises licence is needed.

4.6 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. We may feel it necessary to add specific conditions in relation to door supervisors, particularly when the door supervisors do not have to be registered with 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.

4.7 This recognises the work door supervisors carry out in terms of searching individuals, dealing with potentially aggressive people and so on.

4.8 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.

4.9 There is no evidence that betting offices need door supervisors to protect the public. The authority will only order a betting shop to appoint a door supervisor if there is clear evidence that the premises cannot be properly supervised from the counter.

5 Responsible authorities

5.1 The responsible authorities as defined by the Act are listed in the glossary on page 21.

You can get the contact details of all the responsible authorities under the Act from our website at www.lbhf.gov.uk

5.2 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.

5.3 We appoint the Local Safeguarding Children's Board (LSCB) for this purpose.

6 Interested parties

6.1 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:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b).'

6.2 We will decide each case individually. We will not apply a strict rule when making decisions. We will consider the examples of considerations provided in the Gambling Commission's guidance for local authorities at paragraphs 8.14 and 8.15 of that guidance.

6.3 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 8.17). 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).

6.4 Interested parties can be people who are democratically elected such as councillors and MPs. We won't 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 these, however, we will generally need written evidence 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. We will accept a letter from one of these people, asking for the representation.

6.5 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 (our contact details are on page 3).

7 Reviews

7.1 Interested parties or responsible authorities can ask us to review a premises licence (see the glossary on page 21 for a list of relevant authorities). However, we will decide whether the review should be carried out. Our decision will be based on whether the request for the review:

- raises an issue relevant to any relevant code of practice, any relevant guidance issued by the Gambling Commission, the licensing objectives or this statement;
- is frivolous or vexatious;
- will cause us 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.

7.2 We can also review a licence for any reason we consider to be appropriate under the law.

8 Enforcement

8.1 We have signed up to the regulators' compliance code and will follow the principles set out in it. We will try to make sure that any enforcement action we take is:

- proportionate – regulators should only get involved when necessary solutions are appropriate to the risk posed, and costs have been identified and reduced;
- accountable – regulators must be able to justify decisions, and be open to public questioning;
- consistent – rules and standards must be put into practice fairly;
- transparent – regulators should be open, and keep regulations simple and user-friendly; and
- targeted – regulations should be focused on the problem, and reduce side effects.

8.2 We will also follow a risk-based inspection programme. While the Gambling Commission's guidance suggests that we should include the criteria we will use for this, this has not been possible. At the time of writing, the Gambling Commission has not published its risk criteria regulations or codes of practice. We will consider this model once it is available.

8.3 Once premises have been licensed it is essential that they are monitored to make sure that they are run in line with their operating schedules and with any licence conditions. It will also be important to monitor the borough for unlicensed premises.

8.4 The main enforcement role for us in terms of the Act will be to make sure that premises are used in line with the licences and other permissions which we authorise. The Gambling Commission will be the enforcement body for the operating and personal licences. The Gambling Commission will also deal with concerns about the manufacture, supply or repair of gaming machines.

8.5 We will investigate complaints about licensed premises in relation to the licensing objectives which we are responsible for. However, to begin with, you should raise the complaint directly with the licence holder or business concerned to try and find a solution.

9 Exchanging information

9.1 We will follow the Act whenever we exchange information with other people. Sharing information with certain other people will not break the Data Protection Act 1998.

9.2 We will also consider any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

9.3 If any guidelines are produced about exchanging information with other organisations, we will make them available.

9.4 You can find guidance on how to get information under the Freedom of Information Act or Data Protection Act on our website at www.lbhf.gov.uk

10 Provisional statements

10.1 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.

10.2 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 your 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.

11 Temporary-use notices

11.1 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.

11.2 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.

11.3 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.

12 Occasional-use notices

12.1 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.

12.2 We have very little power in relation to these notices other than making sure that betting is not allowed for more than eight days in a calendar year.

13 Consultation

13.1 We will expect you to advertise the application in line with the regulations made under the Act.

13.2 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.

14 Adult gaming centres, family entertainment centres licensed to sell alcohol, bingo premises, betting premises

14.1 When deciding applications for a premises licence for these 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.

14.2 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 4 on page 12.

14.3 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.

15 Family entertainment centres not licensed to sell alcohol

15.1 If a premises does not hold a premises licence but wants to provide gaming machines, it 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).

15.2 Unlicensed family entertainment centres 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 Gambling Act). We cannot issue permits for vessels or vehicles.

15.3 We cannot attach conditions to this type of permit. We have not yet adopted a statement of principles for permits.

16 Casinos

16.1 We have a 'no casino' resolution in this borough because it is mainly residential and a casino would be out of character with the area. Also, at the moment, we have varied leisure and night-time activities around three town centres. We would not want to create an inequality between these competing town centres.

16.2 The 'no casino' resolution came into effect on the same date as this statement. We will review this resolution at least every three years, and can withdraw it at any time.

16.3 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.

17 Tracks

17.1 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).

17.2 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 4 on page 12.

17.3 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.

18 Travelling fairs

18.1 We will firstly consider whether you fall within the legal definition of a travelling fair.

18.2 If category-D machines or equal-chance prizes are going to be available at a travelling fair, we must decide whether or not the facilities for gambling are the main amusements at the fair.

18.3 Fairs cannot be held on a piece of land for more than 27 days a 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 so that the legal limits are not broken.

19 Gaming machine permits for premises that sell alcohol

19.1 Premises licensed to sell alcohol for people to drink on the premises are entitled to have two gaming machines, of categories C or D (or both). The licensee just needs to tell us about them. We can, however, 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 Gambling 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 Gambling Act has been committed on the premises.

19.2 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.

19.3 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 4 (the conditions are on page 12).

19.4 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.

19.5 We can decide to grant the application with a smaller number of machines or a different category of machines than you have applied for. Conditions (other than these) cannot be attached.

19.6 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.

19.7 We have not yet adopted a statement of principles for permits.

20 Prize gaming permits (statement of principles on permits – schedule 14 paragraph 8 (3))

20.1 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 prize before anyone starts to play on the machines.

20.2 A prize gaming permit is a permit we issue to authorise gaming facilities with prizes on

specific premises.

20.3 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 for the same premises. The application must be made to the authority in whose area the premises are completely or partly situated.

20.4 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.

20.5 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.

21 Club gaming and club machine permits

21.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machine permit.

21.2 Gambling Commission guidance says: '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'.

21.3 We may only refuse an application if:

- a 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;
- b your premises are used wholly or mainly by children or young people;
- c you have committed an offence under the Act or have broken the conditions of a permit while providing gaming facilities;
- d a permit held by you has been cancelled in the previous 10 years; or
- e an objection has been lodged by the commission of the police.

21.4 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.

22 Glossary

22.1 Adult gaming centre – a premises that may have up to four category-B machines (restricted to B3 and B4), any number of category-C machines and any number of category-D machines.

22.2 Betting premises – a premises that may have up to four gaming machines of category-B (restricted to B2, B3 and B4), C or D.

22.3 Bingo premises – a premises that may have up to four category-B machines (restricted to B3 and B4), any number of category-C machines and any number of category-D machines.

22.4 Categories of gambling – regulations will define the classes according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver. These are the current proposals.

	Maximum stake	Maximum prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when a non-monetary prize	£5 cash or £8 non-monetary

22.5 Club machines permit – a premises will need this permit if it is a members' club, a commercial club or a miners' welfare institute, with up to three machines of category-B (restricted to B4) C or D (that is, three machines in total).

22.6 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.

22.7 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.

22.8 Gaming machines – all machines on which people can gamble.

22.9 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.

22.10 Regulators' compliance 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.

22.11 Remote gambling – gambling that takes place on the internet.

22.12 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 pollution department;
- the Local Safeguarding Children's Board (LSCB); and
- HM Revenue & Customs.

22.13 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 better depends on the difference in the buy and sell price.

22.14 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.

22.15 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.

If you have any comments about this statement, please send them by e-mail or letter to us.

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Public Protection and Safety
Environment Services
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REPORT TO COUNCIL

28 OCTOBER 2009

LEADER

Councillor Stephen Greenhalgh

CHANGING GOVERNANCE ARRANGEMENTS

**Wards
All**

The Local Government and Public Involvement in Health Act 2007 ("the Act") requires all Councils to change its decision making arrangements by moving either to:-

- A new style Leader and Cabinet Executive, or
- A directly elected Mayor and Cabinet Executive.

Council at its last meeting held in June agreed to consult on the two options available. This report seeks the Council to indicate its preferred new executive arrangement model as the new style Leader and Cabinet Executive model.

CONTRIBUTORS

DFCS
ADLDS

RECOMMENDATIONS:

Council is asked to :

1. Note the outcome of the consultation;
2. Indicate that its proposed model of executive governance will be the new style Leader and Cabinet Executive model to be operated from the third day after the May 2010 local elections, and
3. Agree that a further report be brought to a Special meeting of Council in January 2010 at which the final decision as to the form of executive arrangements will be taken together with constitutional changes resulting from such a decision.

1. BACKGROUND

1.1 Council agreed at its meeting on 24 June 2009 to consult on the two available governance options :-

- A new style Leader and Cabinet Executive, or
- A directly elected Mayor and Cabinet Executive.

Having taken into account the outcome of the public consultation, this report asks the Council to indicate its preferred new executive arrangement model as the new style Leader and Cabinet Executive model.

2. THE CONSULTATION

2.1 Before drawing up its proposals, the Council must take reasonable steps to consult the local authority's electors and interested parties. From 8 June to 29 August 2009 a public consultation on Local Leadership Choices in Hammersmith and Fulham was held. A web based survey was conducted asking people to indicate their preferred option. Over 800 letters with a copy of the questionnaire were sent out to partner organisations, residents, and voluntary and residents' organisations. An article was published in H&F News and on the Council's website informing interested parties of the consultation. The questionnaire also sought comments and views about the democratic process in the borough.

2.2 The response to the questionnaire was low. Only 32 valid responses were received. All the comments detailing why they favoured a chosen option are **attached at Annex 1**. In summary, the outcome of the responses to the consultation is shown in the table below:

Leadership Model		
Option	Indications of preference	Percentage of those indicating a preference on this issue
Directly Elected Mayor and Cabinet	20	63%
New Style Leader and Cabinet	7	22%
No preference	5	15%

The figures above demonstrate the majority of respondents were in support of a directly elected Mayor. However, the response to the consultation was too low, less than a 1 % response rate, for officers to consider the responses significant enough to recommend a directly elected Mayor and Cabinet model.

3. REFERENDUM

3.1. In the light of the consultation response, the Council now has to consider whether to have a referendum but it is not required to hold one, particularly if the final proposals do not represent significant changes. The response to the consultation was so low that the views expressed by the respondents does not represent a

significant change for a referendum to be held. Although the preferred option expressed during the consultation is the directly elected Mayor and Cabinet Executive model, a referendum would not be required based on the level of responses.

4. SUMMARY OF DIFFERENCES BETWEEN MODELS

4.1 Whilst the new style leader and cabinet model is very similar to the current executive governance arrangements, there are some differences. A summary of the main differences are each model is outlined below:

	Current leader and cabinet model	Options available under the Local Government and Public Involvement in Health Act 2007	
		New leader and cabinet model	Elected mayor and cabinet model
Appointment and term of office	Leader appointed by full council annually	Leader appointed by full council for a 4 year term (or until the expiry of the leader's term of office as a councillor)	Elected directly by the electorate for a 4 year term
Removal	Leader can be removed by a resolution of the Council	Councils can choose to adopt procedures which would allow the removal of the leader from office during the 4 year period	Cannot be removed during his/her term of office
Executive functions	Full council agrees the delegation of executive functions	All executive functions would be vested in the leader who can then delegate as he considers appropriate.	All executive functions would be vested in the mayor who can then delegate
Appointment of Cabinet	Full council appoints the cabinet members	Council appoints leader who then appoints his/her cabinet members and allocates responsibility	Mayor appoints the cabinet members and allocates responsibility
Deputy	No legal requirement to have a deputy leader	Legal requirement to have a deputy leader	

5. RECOMMENDATIONS TO FULL COUNCIL

5.1 Having considered the results of the consultation, in drawing up the proposals which are now before Council, Members are obliged to consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

Although the consultation respondents expressed a preference for the directly Elected Mayor and Cabinet model, the new style Leader and Cabinet model is the Council's favoured option for the following reasons:-

- The suggested model of new Style Leader and Cabinet model is the one which most closely reflects the current Leader and Executive model.
- The Council adopted the Leader and Cabinet model under the 2000 Act in May 2002 and between 1998 and 2002 operated an interim executive model under the old law.
- The proposed options is the most likely of the options available for the Council to assist in securing improvement. The current model has helped to make visible improvements. The Council has achieved 4 stars and is judged to be improving strongly by the Audit Commission.
- The Government's research project called Evaluating Local Governments: New Constitutions and Ethics reported on a five year evaluation of council constitutions in ethical frameworks that:
 - for a four year term rather than the current annual appointments.
 - 81% of local authorities opted for the Leader/Cabinet model with 3% opting for the mayoral model
 - Most people commented favourably on the Leader/Cabinet governance model.
 - The Leader/Cabinet model provides stronger leadership and strategic management is stronger and more effective.
 - Decision making has been generally quicker and focused with a Leader/Cabinet governance arrangement.

6. IMPLEMENTATION TIMETABLE

- 6.1 Once Council agrees its preferred executive model, officers will draw up a proposal. The proposal, with a timetable for implementation and any necessary transitional arrangements, will be publicised locally in accordance with statutory requirements. Publicity will include:
- a) making copies of documents setting out the proposals, available at the Council's principal office for inspection by members of the public at reasonable times and
 - b) publishing in one or more local newspaper a notice which states that the Council has drawn up proposals, describing the main features of the proposals and that copies are available for inspection at the Council's principal office at specified times.

ACTION REQUIRED	DATE
Publication of proposals	November 2009
Third report to Cabinet to confirm the preferred form of executive for recommendation to Council	7 December 2009 or 8 January 2010
Third report to Council (at a meeting specially convened for the purpose) to consider the recommendations of Cabinet and to make a formal resolution to adopt the preferred form of executive.	(Special Meeting) 27 January 2010
Implementation	The third day after the 2010 local elections

7. CONCLUSION

- 7.1. The Local Government and Public Involvement in Health Act 2007 require all Councils to review their governance arrangements by 31 December 2009. The Council has expressed a preference for the new style Leader and Cabinet model. In January 2010, the Council would make a formal resolution to adopt the preferred form of executive arrangements.

8. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 8.1 The financial implications of these proposed changes will need to be evaluated.

9. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 9.1. Under the Act, the Council is required to change its executive arrangements to either the strong leader and executive model or the elected Mayor and Cabinet model. Whilst under the Act the resolution is to be made before 31st December 2009 the transitional arrangements in Schedule 4 of the Act allow a Council opting for the Leader and Cabinet model to do so before the end of the "transitional period" which ends on 9th May 2010. This enables the Council to deal with the matter at a special meeting following the January Council meeting rather than at a special meeting in December.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	Local Government and Public Involvement in Health Act 2007 and Guidance notes	Kayode Adewumi ext. 2499	Councillors' Services, Room 202, Hammersmith Town Hall.
2.	Review of Governance Arrangements report to Council on 25 May 2009	Kayode Adewumi ext. 2499	Councillors' Services, Room 202, Hammersmith Town Hall.

Appendix A

Please state why you favour your chosen option:

1. It will prevent a personality politician from entering the mix who will struggle to lead a council that is potentially of a different political perspective.
2. I would like an elected Mayor because I would like to get away from the dominance of a party political system with its fixers and have a direct say in who leads local affairs. My vote gets dissipated in the party machine, whatever colour it is. A mayor would be more visible and more publicly accountable, despite being un-removable and s/he would also know her/his chances next time round are subject to direct vote. The role would also spark more political interest as opposed to current apathy.
3. I feel this is the best option for the residents and workers in the borough. The election of a mayor that cannot be removed during their term seems rather archaic.
4. They can be deselected if they are not effective. Also a deputy.
5. I am for the idea of the electorate having a choice in terms of who they appoint as leader. I am also for some of the power being taken out of the hands of political parties. I think this model would keep them on their toes and 'honest'.
6. Council is too party political. More likelihood of the leader doing what he or she thinks is right as opposed to what will be popular with local developers.
7. I have not seen enough or probed the issues and practicalities to have a valuable view. The decision should not be influenced more by the questionnaire responses. This is for our Leader to debate and decide.
8. I think to have one person in post for 4 years with no removal options if there were problems is too risky in the current climate.
9. Residents should have the right to elect the Mayor and Cabinet of their own choice, who are accountable to the public for their performances. This elected body should always consult the public in their any major schemes and developments.
10. Directly Elected Mayor for full years without option to change is too long. The preferred system aligns with the existing format which works extremely well.
11. More likelihood of speedier action. More likelihood of the leader doing what he or she thinks is right as opposed to what will be popular.
12. Because too many decisions are taken by people who are not directly accountable for those actions. The councillors may be elected to represent a ward but not to take responsibility for a particular job. A mayor could be elected who was of a different political party to the one in control which would only be a good thing in terms of accountability.

13. I believe a directly elected mayor would be a great asset to the local electorate.
14. Better to have somebody who is elected by residents of the borough rather than chosen by the political party that way the mayor can act in Borough residents' best interests. Why can't the mayor be removed during the term of office? Bit odd, maybe it is to make us vote in favour of the new leader model? In the event of major wrong doing removal should be applicable to anybody holding such a post after investigation.
15. Because there is more consistency within party leadership and you can remove a leader that is poorly performing.
16. Option 2 would be worthy.
17. This is the only way that those who govern us will be truly accountable & responsible to the electorate & transparently so.
18. For more public accountability.
19. Councillors more accountable to the electorate.
20. If the Mayor elected has a committed vision clearly throughout plans that can be carried out with a visible impact on the Borough for his creativity and progressive action with the support of his task force in the following year it would be beneficial.
21. An elected mayor gives greater interest to local politics. However I fear that it might be too much to ask of the electorate given that so few vote. And also with the degree of apathy that exists, how would local politics best be served? I'm in favour of an elected Mayor but I think that the alternative might be a better system. I think I would prefer a shorter term - two years if elected. The 4 year stint for one election is pure 'gravy'¹ and I'd like to see complete accountability and anyone sitting back and taking the ride would need to be booted out asap if they proved incompetent or fraudulent.
22. Option 2 appears to have the most democratic input at a grass root level.
23. Checks and balances spread power. Allows for non-party government.



MONITORING OFFICER'S REPORT TO COUNCIL

28 OCTOBER 2009

LEADER
Councillor
Stephen
Greenhalgh

**REVIEW OF THE COUNCIL'S CONSTITUTION -
CHANGES TO CABINET PORTFOLIOS, OFFICER
SCHEMES OF DELEGATION AND COMMITTEE
TERMS OF REFERENCE**

WARDS
All

Summary

The Council at its meeting on 27 May 2009 agreed revisions to the Constitution and re-adopted the document for the 2009/10 Municipal Year.

This report is asking Council to approve changes to the portfolios of the Leader and other Cabinet members consequent upon the Leader's wish to change the scope of the portfolio of the Cabinet Member for Community and Children's Services. Other minor consequential changes to the Constitution are also proposed, together with changes in relation to the mechanism for determining staff appeals.

RECOMMENDATIONS

CONTRIBUTOR:
ADLDS

That the changes and amendments proposed to the Council Constitution, as summarised in Annex 1 to the report, be agreed.

1. COMMENTS OF MONITORING OFFICER

- 1.1 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. A further report reviewing the Council's Constitution to ensure that its aims and principles are given full effect in accordance with Article 15 of the Constitution will be included on the Annual Council Meeting agenda.

2. CABINET PORTFOLIO

- 2.1 Following the sad death of Councillor Antony Lillis a vacancy arose for the Cabinet Member for Community and Children's Services. The Administration proposes to make some changes to the scope of the portfolio. It is intended that the portfolio continues to deal with Children's Services. The new Cabinet Member title will be Cabinet Member for Children's Services. Responsibility for Community services, health, the voluntary sector and equalities will be transferred to the Leader's portfolio. These changes also have consequential impacts on other Cabinet Members' portfolios as set out in Appendix 1.

3. OTHER ISSUES

Officer Schemes of Delegation

- 3.1 Minor amendments are proposed to the schemes of delegation to reflect the changes in Cabinet Member portfolios.

Personnel Appeals Panel

- 3.2 In January 2009, Council delegated authority to the Chief Executive to approve and implement new terms and conditions for staff following the conclusion of the recent consultation with staff and the unions. The new terms and conditions for staff took effect from 1st October 2009. As part of this package, the right of staff to appeal to the Personnel (Members) Appeals Panel has been removed and replaced with the determination of appeals by Directors, on the basis that Director - level appeals can be arranged more quickly. The Panel will deal with all outstanding appeals and then cease to function. Appendix 1 includes proposed changes to the Constitution to effect this change.

Full copies of the proposed amendments to the constitution are available on the Internet, Intranet, Members' room and around the Council Chamber. In addition, copies can also be obtained on request from Councillors' Services staff.

LOCAL GOVERNMENT ACT 2000 - BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Review of the Constitution Working papers/file	Michael Cogher Assistant Director of Legal and Democratic Services, Ext 2700	First Floor, Hammersmith Town Hall, Room 133a
2	Terms and Conditions report to Council January 2009	Kayode Adewumi Head of Councillors' Services, Ext 2499	Second Floor, Hammersmith Town Hall, Room 202a

APPENDIX 1

PROPOSED CHANGES TO CONSTITUTION OCTOBER 2009

No.	SECTION	TITLE/ SUBJECT	SECTION	PROPOSED CHANGES	REASON(S) FOR CHANGES
1	Part 2	Article 6 : Overview and Scrutiny Committees	Scope of the Education and Children's Services and Health and Adult Social Care Scrutiny Committees (page 18)	Change reference to "Cabinet Member for Community and Children's Services" to "Cabinet Member for Children's Services"	Changes to Cabinet portfolio responsibilities required by the Leader
2	Part 3	The Executive (Cabinet) 2009/10	Existing composition of the Cabinet (page 41)	Change reference to "Cabinet Member for Community and Children's Services" to "Cabinet Member for Children's Services- Councillor Sarah Gore"	Changes to Cabinet portfolio responsibilities required by the Leader (Cllr. Gore's appointment is subject to a separate report)
3	Part 3	The Executive (Cabinet) 2009/10	Scope of portfolio – Leader (pages 42 to 46)	a) Add to Leader's portfolio responsibility for the following functions for which the Cabinet Member for Community and Children's Services is currently responsible: Community and Health (section 1); 2012 Olympics (section 3.7)	Changes to Cabinet portfolio responsibilities required by the Leader

No.	SECTION	TITLE/ SUBJECT	SECTION	PROPOSED CHANGES	REASON(S) FOR CHANGES
				<p>b) Amend section 4 <i>Area in which power is shared with the Cabinet Member Community and Children’s Services; Adult Learning and Skills Service (incorporating local learning and skills) by deleting</i> “Area in which power is shared with the Cabinet Member for Community and Children’s Services”</p> <p>c) Amend section 6 <i>Area in which power is shared with the Cabinet Member for Residents Services and the Cabinet Member for Community and Children’s Services (matters affecting residents which are the responsibility of third parties) by deleting</i> “and the Cabinet Member for Community and Children’s Services.</p> <p>d) Amend section 8 <i>Area in which power is shared with the Cabinet Member for Community and Children’s Services and the Cabinet Member for Housing (social regeneration) by deleting</i> “the Cabinet Member for Community and Children’s Services”.</p>	<p>Changes to Cabinet portfolio responsibilities required by the Leader</p> <p>Consequent on change no. 2 above</p> <p>Consequent on change no. 2 above</p>

No.	SECTION	TITLE/ SUBJECT	SECTION	PROPOSED CHANGES	REASON(S) FOR CHANGES
4	Part 3	The Executive (Cabinet) 2009/10	Scope of portfolio – Cabinet Member for Crime and Street Scene (pages 55 to 58)	Amend section 3 <i>Area in which power is shared with the Cabinet Member for Community and Children’s Services</i> (Youth offending team etc) to read: “Area in which power is shared with the Cabinet Member for Children’s Services”.	Consequent on change no. 2 above
5	Part 3	The Executive (Cabinet) 2009/10	Scope of portfolio – Cabinet Member for Community and Children’s Services (pages 59-64)	<p>a) Change the title of the portfolio to “Cabinet Member for Children’s Services”.</p> <p>b) Delete section 1 <i>Community and health functions</i>.</p> <p>c) Delete sections 4 to 7 and 9 <i>Areas in which power is shared with other Cabinet Members</i>.</p> <p>d) Delete reference to the Director of Community Services in the note regarding responsibility for the purposes of estimate preparation, monitoring and control and staffing/industrial relations issues.</p> <p>e) Delete section 3.7 <i>2012 Olympics</i></p>	<p>See change no.2 above</p> <p>See change no. 3a above</p> <p>These areas are not relevant to the revised portfolio</p> <p>This directorate is not relevant to the revised portfolio</p> <p>See change no.3a above</p>

No.	SECTION	TITLE/ SUBJECT	SECTION	PROPOSED CHANGES	REASON(S) FOR CHANGES
6	Part 3	The Executive (Cabinet) 2009/10	Scope of portfolio – Cabinet Member for Housing (pages 65 to 67)	<p>a) Amend section 2 <i>Area in which power is shared with the Leader and Cabinet Member for Community and Children’s Services</i> (social regeneration) by deleting “and the Cabinet Member for Community and Children’s Services”.</p> <p>b) Delete “In conjunction with the Cabinet Member for Community and Children’s Services ; Director of Community Services” in the note regarding responsibility for the purposes of estimate preparation, monitoring and control and staffing/industrial relations issues</p>	<p>See change no. 3d above</p> <p>This directorate is not relevant to the revised portfolio</p>
7	Part 3	The Executive (Cabinet) 2009/10	Scope of portfolio – Cabinet Member for Residents Services (pages 68 to 71)	Amend section 3, 4 and 5 <i>Areas in which power is shared with other members</i> by deleting reference to the Cabinet Member for Community and Children’s Services.	See change no.5c above
8	Part 3	The Executive (Cabinet) 2009/10	Scope of portfolio – Cabinet Member for Parks, Culture and Heritage (pages 72 to 74)	Amend section 5 <i>Area in which power is shared with the Cabinet Member for Community and Children’s Services and the Cabinet Member for Residents Services</i> (arts strategy) by deleting “the Cabinet Member for Community and Children’s Services and”.	See change no. 5c above

No.	SECTION	TITLE/ SUBJECT	SECTION	PROPOSED CHANGES	REASON(S) FOR CHANGES
9	Part 3	Overview and Scrutiny Committees Membership 2009/10	Education and Children's Services Overview and Scrutiny Committee (page 75)	Replace Councillor Sarah Gore in the list of members by Councillor Oliver Craig	See change no. 2 above (Councillor Craig's appointment is subject to a separate report)
10	Part 3	Regulatory and other Committees memberships 2009/10	4. Personnel Appeals Panel (page 96)	Delete reference to this panel and renumber succeeding paragraphs.	The Council agreed on 28 January 2009 to delegate to the Chief Executive the exercise of the Council's functions in determining whether to approve and implement new terms and conditions for staff. These new terms and conditions, applicable from 1 October 2009, provide for personnel appeals to be heard by Directors.

No.	SECTION	TITLE/ SUBJECT	SECTION	PROPOSED CHANGES	REASON(S) FOR CHANGES
11	Part 3	Executive arrangements and General Scheme of Delegation to all Chief Officers	Section A – Functions delegated to the Chief Executive and all Directors – Staffing and Employee Relations (page 104)	Delete para. 20 and replace it with: “To consider employees’ final appeals in relation to capability, disciplinary and grievance matters, provided the Chief Officer has not taken the decision in question.”	Consequent on change no.10 above
12	Part 3	Director of Children’s Services Scheme of Delegation	Part 2: Functions delegated to the Director in consultation/ conjunction with other officers (pages 186-188)	Replace reference to “Cabinet Member for Community and Children’s Services” in column 3, page 188 with “The appropriate Cabinet member”	Consequent on change no. 2 above, and to make this part of the document consistent with the remainder

Agenda Item 7.1

SPECIAL MOTION NO. 1 – APPOINTMENT OF A CABINET MEMBER AND CHANGE OF MEMBERSHIPS OF REGULATORY AND SCRUTINY COMMITTEES 2009/10

Standing in the names of:

- (i) Councillor Stephen Greenhalgh
- (ii) Councillor Nicholas Botterill

"This Council agrees the following appointments under its Constitution for the rest of the Municipal Year 2009/10, effective from the day after the Council meeting:

- **Cabinet Member**

Councillor Sarah Gore – be appointed as the Cabinet Member for Children’s Services.

- **Chairmen and Memberships of Scrutiny Committee**

Councillor Donald Johnson be appointed as Chairman of the Education and Children’s Services Scrutiny Committee in place of Councillor Helen Binmore who will continue as a Committee Member.

Councillor Sarah Gore to come off the Education and Children’s Services Scrutiny Committee.

Councillor Oliver Craig be appointed a member of the Education and Children’s Services Scrutiny Committee

and notes their respective Portfolios / Terms of Reference, as set out in the Council’s Constitution.”

SPECIAL MOTION NO. 2 – COUNCIL APPOINTMENTS TO LONDON LOCAL GOVERNMENT ORGANISATIONS 2009/10

Standing in the names of:

- (i) Councillor Stephen Greenhalgh
- (ii) Councillor Mark Loveday

"This Council agrees the Council's appointments to London Local Government Organisations for 2009/10, as set out in the Schedule ***attached***".

NAME OF OUTSIDE ORGANISATION	NUMBER OF REPS/RATIO	NOMINATION	TERM/EXPIRES
London Councils Leader's Committee	1 Rep. + 2. Deps. (1 vote per authority)	(Dep.2 Cllr. Frances Stainton)	1 year to 31.05.10
London Councils Grants Committee (Assoc.Joint Cttee)	1 Rep. + up to 4 Deps.	Cllr Adronie Alford	1 year to 31.05.10
London Councils Forums [+ = Nominations only]	1 Rep.+ 1 Dep. [Nomination]	[Cllr Frances Stainton} [Cllr Sarah Gore]	1 Year to 31.05.10
Local Government Association (LGA) General Assembly	Up to 4 Reps & 4 Votes	Cllr Frances Stainton	1 year to 22.07.10

Agenda Item 7.3

SPECIAL MOTION NO. 3 – GREEN FLAG STATUS

Standing in the names of:

- (i) Councillor Paul Bristow
- (ii) Councillor Frances Stainton

“That this Council notes the importance of green and open spaces to the quality of life of local residents; warmly welcomes the Green Flag award of excellence given to Ravenscourt Park, Frank Banfield Park and Margravine Cemetery; further notes that this is the first time that an open space in the borough has been awarded this accolade, and thanks the volunteers, grounds maintenance staff and the local ‘friends’ groups for everything that has been done to improve the standard of our parks and open spaces.”

SPECIAL MOTION NO. 4 – H&F HOMES

Standing in the names of:

- (i) Councillor Donald Johnson
- (ii) Councillor Lucy Ivimy

“That this Council welcomes the recent inspection report of the Audit Commission which found that H&F Homes was providing residents with a two star “good” service with “excellent prospects for improvement”.

Agenda Item 7.5

SPECIAL MOTION NO. 5 – IMPERIAL WHARF NEW RAILWAY STATION

Standing in the names of:

- (i) Councillor Steve Hamilton
- (ii) Councillor Jane Law

“That this Council:

1. Congratulates the administration and its partners the Royal Borough of Kensington & Chelsea and Transport for London, on the recent opening of the new railway station at Imperial Wharf.
2. Regrets the years of delay and drift under the previous administration who failed to secure adequately funding for the station.
3. Welcomes the new opportunities for residents in Sands End resulting from the new transport links”.

SPECIAL MOTION NO. 6 – COUNCILLOR ANTONY LILLIS

Standing in the names of:

- (i) Councillor Stephen Greenhalgh
- (ii) Councillor Stephen Cowan

“That this Council :-

- regrets the sad and sudden death of Councillor Antony Lillis on 29 July 2009 after a battle with cancer;
- recognises that Councillor Antony Lillis was one of the borough’s longest-serving, most widely respected and well-loved Councillor with strong ties to the community he served for nearly 20 years;
- appreciates his hard work as Cabinet Member for Community and Children’s services managing a hugely complex and challenging portfolio of service responsibilities. His drive and commitment meant that he was able to build up a connection with the people and the places he served. Councillor Lillis combined a depth of knowledge and expertise in his subject areas with charm and huge personal warmth. In the Council Chamber, he was a voice of calm and conciliation. His genuine interest in individual people’s lives and concerns enabled him to achieve a level of respect few politicians are given. Outside his role as a Councillor, he was a larger-than-life character who lived every day to the full. He will be hugely missed.
- asks the Chief Executive to write to his family expressing our sincere condolences”.

Agenda Item 7.7

SPECIAL MOTION NO. 7 – IMPERIAL COLLEGE HEALTHCARE NHS TRUST

Standing in the names of:

- (i) Councillor Stephen Greenhalgh
- (ii) Councillor Andrew Johnson

“This Council:

1. Reiterates its concern that Charing Cross hospital faces a continued downgrade in services in the rush for foundation trust status;
2. Calls on Imperial College Healthcare NHS Trust to ensure that Hammersmith & Fulham Council has representation on its board given that two of the three hospitals within the Trust are located in the borough”.

SPECIAL MOTION NO. 8 – TRADITIONAL PUBLIC HOUSES

Standing in the names of:

- (i) Councillor Wesley Harcourt
- (ii) Councillor Colin Aherne

“This Council notes the number of traditional public houses that are closing. Such establishments have long been a valuable community asset, providing a focus for many communities which satisfies their social needs and offers a means of support for many people. Council resolves, therefore, to develop a local planning guidance that aims to preserve our traditional public house which is a much-loved aspect of our heritage.”

Agenda Item 7.9

SPECIAL MOTION NO. 9 – NEW SHEPHERDS BUSH LIBRARY

Standing in the names of:

- (i) Councillor Ed Owen
- (ii) Councillor Lisa Homan

“This Council hails the opening of the new Shepherds Bush library as a symbol of how effective partnership between local government and business can bring real benefits to local residents, and congratulates the previous Labour administration for negotiating the terms under which Westfield contributed to the cost of the library as part of its Section 106 responsibilities”.

SPECIAL MOTION NO. 10 – HOUSING

Standing in the names of:

- (i) Councillor Lisa Nandy
- (ii) Councillor Stephen Cowan

“This Council resolves to be open and transparent in its dealings with tenants and residents, notes the Leader’s refusal to answer questions raised by the Guardian newspaper about what ‘alternative housing’ means for people who stand to lose their homes under the Conservatives’ plans, and agrees that this constitutes a failure to local people.”

Agenda Item 7.11

SPECIAL MOTION NO. 11 – FARE INCREASES

Standing in the names of:

- (i) Councillor Michael Cartwright
- (ii) Councillor Reg McLaughlin

“This Council condemns the decision of the Mayor to increase tube fares by 3.9% and bus fares by 12.7% from January next year. This Council further condemns his decision to cut back on the programme for step-free access to underground stations, which means the Shepherd's Bush Central Line lifts are not in any TfL programme until after 2018.”



REPORT TO COUNCIL

28 OCTOBER 2009

LEADER
Councillor
Stephen
Greenhalgh

**SPECIAL URGENCY DECISIONS –
QUARTERLY REPORT**

WARDS
All

Summary

The attached report presents details of decisions taken by the Leader or Cabinet during the last quarter under the special urgency provisions of the Constitution (decision not in the Forward Plan). The covers the period 1st June to 30th September 2009.

CONTRIBUTORS

ADLDS

RECOMMENDATION:

That the report be noted.

1. SPECIAL URGENCY PROVISIONS OF THE CONSTITUTION

- 1.1. Rule 16 of the Access to Information Procedure Rules in the Council's Constitution allows for specially urgent key decisions which are not in the Forward Plan to be taken without giving the prescribed public notice, provided the relevant Scrutiny Committee Chairman agrees that the decision cannot reasonably be deferred.
- 1.2. Rule 17.3 requires the Leader to submit reports to the Council on Executive decisions taken under Rule 16 during the preceding quarter. The reports must include the number of decisions so taken and a summary of the matters in respect of which those decisions are taken.

2. SPECIAL URGENCY DECISIONS TAKEN BY THE LEADER IN THE QUARTER JULY TO SEPTEMBER 2009

No.	Decision taken and date	Reason for urgency
1	<p>Jack Tizard Special School: the construction of a hydrotherapy pool for disabled children – additional funding report</p> <p>12 August 2009</p>	<p>To enable building works to commence in August, containing the most disruptive aspects within the school holiday period and minimising disturbance to the school. Also to reduce costs and enable the work to be completed by Spring 2010. As the next available Cabinet Meeting was not until 7 September 2009, this would not have been achievable if the normal approval route had been followed.</p>
2	<p>Temporary stationery contract</p> <p>13 August 2009</p>	<p>The current London Contracts and Supply Group's framework arrangements, which cover all the boroughs, expired at the end of August 2009. The renewal of the framework contract had been delayed due to the new lead Borough (L.B. Camden) being unable to complete the project. The tender process is now being led by LB Havering and a new contract will be in place by 31 March 2010.</p> <p>LBHF is the lead authority for the current contract. Temporary arrangements were required pending award of the new agreement to enable all authorities to order stationary from the contract during this period.</p>

3. ITEM DECIDED AT CABINET WHICH WAS NOT IN THE FORWARD PLAN

- 3.1. The following item, which was not in the Forward Plan, was determined by the Cabinet on 7 September 2009. The item was processed under Rule 16 with the agreement of the relevant Scrutiny Committee Chairman and public notice was given.

Decision taken	Reason for urgency
Local Development Plan Framework: : Local Development Scheme	The Council had already widely published its intention to report the conclusions on the LDF core strategy options and the proposed core strategy to full Council in October 2009. There was a need to take a formal decision to defer (i.e. revision of Local Development Scheme (LDS) which sets out the timetable) <u>before</u> then, which meant the decision on the revised timetable and LDS has to be formally taken in September ahead of publication of the October Council agenda. The report was not listed on the Forward Plan because the need to revise the LDS only arose upon receipt of advice from GLA over the summer.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.		Name/ext. of holder of file/copy	Department
1	Council Constitution	David Viles Ext. 2063	Finance and Corporate Services, Legal and Democratic Services