

COUNCIL MINUTES

COUNCIL MEETING

WEDNESDAY 27 JANUARY 2016



PRESENT

The Mayor Councillor Mercy Umeh
Deputy Mayor Councillor Daryl Brown

Councillors:

Michael Adam	Charlie Dewhirst	Jane Law
Adronie Alford	Belinda Donovan	Mark Loveday
Colin Aherne	Sue Fennimore	Vivienne Lukey
Hannah Barlow	Caroline Ffiske	Sue Macmillan
Nicholas Botterill	Marcus Ginn	PJ Murphy
Andrew Brown	Steve Hamilton	Caroline Needham
Joe Carlebach	Wesley Harcourt	Viya Nsumbu
Iain Cassidy	Ali Hashem	Natalia Perez
Elaine Chumnerly	Sharon Holder	Harry Phibbs
Ben Coleman	Lisa Homan	Max Schmid
Adam Connell	Lucy Ivimy	Greg Smith
Stephen Cowan	Donald Johnson	Frances Stainton
Larry Culhane	Andrew Jones	Rory Vaughan
Alan De'Ath	Alex Karmel	Guy Vincent

1. MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the Council Meeting held on 21 October 2015 were confirmed and signed as an accurate record.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Michael Cartwright and Robert Largan.

Apologies for lateness were received from Councillor Joe Carlebach.

3. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS (IF ANY)

The Mayor announced the passing of former Mayor and Councillor Daniel Filson. Mr Filson was first elected as a Councillor in Hammersmith and Fulham's Coningham Ward in May 1982. He also represented Walham Ward and Normand

Ward before serving as Deputy Mayor in 1991 and Mayor in 1992. The Council observed a minute of silence in remembrance.

4. DECLARATIONS OF INTERESTS

In respect of Item 7.5 – Special Motion 5:

- Councillors Greg Smith and PJ Murphy declared non-pecuniary interests as Directors of Riverside Studios.
- Councillors Adam Connell, Hannah Barlow, Sue Fennimore, and Belinda Donovan declared non-pecuniary interests as Trustees of the Lyric Theatre.

In respect of Item 7.2 – Special Motion 2:

- Councillors Colin Aherne, Rory Vaughan, Lisa Homan, Andrew Jones, Wesley Harcourt, Adam Connell, Guy Vincent, Stephen Cowan, and Natalia Perez declared non-pecuniary interests as members of Unite the Union.
- Councillors Sharon Holder, Elaine Chumnerly, Larry Culhane, Ali Hashem, and Alan De’Ath declared non-pecuniary interests as members of the GMB.
- Councillor Guy Vincent declared a non-pecuniary interest as a member of The Law Society.
- Councillor Max Schmid and Sue Macmillian declared non-pecuniary interests as members of Community Union.

All members who declared interests considered that they did not give rise to a perception of a conflict of interest and, in the circumstances, it would be reasonable to participate in the relevant discussions and vote thereon.

5. PUBLIC QUESTIONS (20 MINUTES)

5.1 Question 1 - Joint Venture to Re-develop Watermeadow Court and Edith Summerskill House

7.08pm - The Mayor called on Andrew Johnson who had submitted a question to the Leader of the Council, Councillor Stephen Cowan, to ask his question. Councillor Andrew Jones responded on behalf of the Leader. Andrew Johnson asked a supplementary question which was also answered.

(A copy of the public question submitted and the response given are attached at Appendix 1 to these minutes).

6. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

The Mayor informed Council that there was an amendment to Item 6.4 – Review of the Constitution. The proposed amendment to the officer scheme of delegation relating to the Town & Country Planning Act 1990, detailed in paragraph 5.2 of the report (and delegated function 215 in Appendix 1 attached to the report) had been withdrawn from consideration.

6.1 Council Tax Support Scheme 2016/17

7.16pm – The report and recommendations were formally moved for adoption by Councillor Max Schmid.

The report and recommendations were put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

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

7.17pm – RESOLVED

1. That the Council continues with a scheme that reflects the old Council tax benefit regulations as much as possible meaning no one in the borough is worse off.
2. That the Council continues to assess out of work Universal Credit on full CTS.
3. For in work UC cases, the UC applicable amounts will form part of our calculation and any unearned and earned income will be subject to the normal 20% excess income calculation.

6.2 Council Tax Base and Collection Rate 2016-17

7.17pm – The report and recommendations were formally moved for adoption by Councillor Max Schmid.

The report and recommendations were put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

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

7.17pm – RESOLVED

That approval be given to the following recommendations for the financial year 2016/17:

1. That the estimated numbers of properties for each Valuation Band as set out in this report be approved.
2. That an estimated Collection rate of 97.5% be approved.
3. That the Council Tax Base of 74,041 Band “D” equivalent properties be approved
4. To delegate authority to the Strategic Director of Financial Corporate Services, in consultation with the Lead Member for Finance, to determine

the business rates tax base for 2016/17 as set out in section 11 of this report.

6.3 Contract Standing Orders 2016

7.18pm – The report and recommendations were formally moved for adoption by Councillor Ben Coleman.

The report and recommendations were put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

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

7.17pm – RESOLVED

- 2.1. That Council adopt the revised Contract Standing Orders as set out in Appendix 1 to the report as part of the Council's Constitution.
- 2.2. That Council specifically approve the following changes in sections 8 and 17 of the revised CSOs:
 - a) That for all procurements in excess of £100,000, Chief Officers, acting on advice from Service Review Teams, must develop and present to full Cabinet for approval a commissioning and procurement strategy and supporting business case with options appraisal for the proposed procurement. (Appended CSOs 8.11.1)
 - b) That all commissioning strategies for procurements at or above £100,000 (except those relating to pensions) must be approved by full Cabinet prior to the commencement of any tendering process and agreed as a Key Decision. (Appended CSOs 8.12.1)
 - c) That the above commissioning and procurement strategy report to Cabinet must include the details contained in clause 8.11.1 (a) – (n) in the appended CSOs.
 - d) That the commissioning and procurement strategy report to Cabinet must detail the frequency of any interim reports to relevant lead Cabinet Members on the procurement as it proceeds. (Appended CSOs 8.12.2)
 - e) That the specific approval of the Commercial Director must be contained in the commissioning and procurement strategy report where it is the intention to create a framework agreement that other public bodies may call-off from. (Appended CSO 8.12.3)
 - f) That in normal circumstances for contracts valued at between £100,000 to below £5,000,000, and where:
 - i) the actual contract value is less than £5,000,000; and
 - ii) the returned tender falls within a +10% tolerance of the estimated financial value set out in the commissioning and procurement strategy report approved by Cabinet – the award decision will be delegated to the appropriate Cabinet Member(s).

- g) That where the conditions described in Recommendation 2.2(f) above do not apply or are not met, the contract award decision is reserved for full Cabinet.
 - h) That “normal circumstances” under 2.2(f) above means an automatic delegation unless the Cabinet decide they wish to reserve the contract award decision to the Cabinet. (Appended CSOs 17.3.1-17.3.3)
- 2.3. That in recognition of the need for a transition period from approval of the changes recommended in 2.2 above, and in order to enable adequate pre-Cabinet governance requirements to be met on imminent procurements, the CSO changes come into effect on 1st July 2016, with the Council implementing the new arrangement ahead of this date wherever practical during the transition period.
- 2.4. That Council approve delegated authority to the Cabinet Member for Finance and the Cabinet Member for Commercial Revenue and Resident Satisfaction to issue “Purchasing Guides” to help implement Council policy and set out good procurement practice. These guides will supplement the provisions contained in CSOs.

6.4 **Review of the Constitution**

7.19pm – The report and recommendations were formally moved for adoption by The Leader of the Council, Councillor Stephen Cowan.

Speeches on the report were made by Councillors Lucy Ivimy and Alex Karmel (for the Opposition) and Stephen Cowan and PJ Murphy (for the Administration).

The report and recommendations were put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

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

7.25pm – RESOLVED

To note that the proposed amendment to the officer scheme of delegation relating to the Town & Country Planning Act 1990, detailed in paragraph 5.2 of the report (and delegated function 215 in Appendix 1 attached to the report) had been withdrawn from consideration.

That the changes to the Officers Scheme of delegation to reflect new legislative changes in Appendix 1 of the report, as amended, be approved.

7. **SPECIAL MOTIONS**

7.26pm – Under Standing Order 15(e) iii, Councillor Colin Aherne moved and Councillor Larry Culhane seconded a motion that Special Motions 8, 4, 3, and 7 take precedence on the agenda. This was agreed.

7.1 **Special Motion 8 - Imperial Wharf Fulham Crossrail 2 Station**

7.27pm – Councillor Andrew Jones moved, seconded by Councillor Colin Aherne, the special motion in their names:

“This Council is aware of the significant developments in Sands End Ward that have already taken place and note further ones in the pipeline and therefore resolve to continue to lobby Crossrail 2 to construct a new station at Imperial Wharf Fulham that will allow for interchange with Crossrail 2. The upgrading of the West London Line has been a great success but it is now at full capacity at peak times. A new interchange station at Imperial Wharf will bring much needed improvements to rail travel in Fulham.”

Speeches on the special motion were made by Councillors Andrew Jones, Sharon Holder, and Lisa Homan (for the Administration) and Councillors Greg Smith, Steve Hamilton, Jane Law, Nicholas Botterill, and Mark Loveday (for the Opposition).

The motion was then put to the vote.

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

The motion was declared **CARRIED**.

8.07pm – RESOLVED

This Council is aware of the significant developments in Sands End Ward that have already taken place and note further ones in the pipeline and therefore resolve to continue to lobby Crossrail 2 to construct a new station at Imperial Wharf Fulham that will allow for interchange with Crossrail 2. The upgrading of the West London Line has been a great success but it is now at full capacity at peak times. A new interchange station at Imperial Wharf will bring much needed improvements to rail travel in Fulham.

7.2 **Special Motion 4 - Rejecting George Osborne's Stealth Tax**

8.08pm – Councillor Max Schmid moved, seconded by Councillor Colin Aherne, the special motion in their names:

“This Council notes that:

- The Labour administration was elected on a manifesto of reducing the cost of the council to residents.

- By cutting key fees and charges and being the only council in London to cut council tax last year, the administration is delivering on the promise of reducing the cost of the council to residents.
- The 2015 Conservative Party national manifesto had no provision to increase council tax and rather claimed that a Conservative Government would “help local authorities keep council tax low for hardworking taxpayers”.
- Regrettably, George Osborne proposed in the November 2015 Comprehensive Spending Review that instead of properly funding adult social care through national taxation they would recommend that local councils increase council tax through a ‘social care precept’.
- The Department for Communities and Local Government include the assumption in spending power projections for LBHF that and other councils that authorities apply the precept and increase their council tax every year by 2% during the current parliament.
- The Provisional Local Government Finance Settlement for 2016/17 sees a grant reduction of £8.2m for LBHF. In addition, the Government has imposed £2.885m of new responsibilities on LBHF without providing any corresponding funding .

The Council resolves to:

- Reject the Government’s recommendation that council tax increases by 2% per year every year.
- Call on the Government to honour its commitment to “help local authorities keep council tax low” rather than transferring more of the funding burden for social care to local taxpayers.”

Speeches on the special motion were made by Councillors Max Schmid, PJ Murphy, Vivienne Lukey, and Stephen Cowan (for the Administration) and Councillors Greg Smith and Harry Phibbs (for the Opposition).

The motion was then put to the vote:

FOR	24
AGAINST	19
NOT VOTING	0

The motion was declared **CARRIED**.

8:43pm – RESOLVED

This Council notes that:

- The Labour administration was elected on a manifesto of reducing the cost of the council to residents.

- By cutting key fees and charges and being the only council in London to cut council tax last year, the administration is delivering on the promise of reducing the cost of the council to residents.
- The 2015 Conservative Party national manifesto had no provision to increase council tax and rather claimed that a Conservative Government would “help local authorities keep council tax low for hardworking taxpayers”.
- Regrettably, George Osborne proposed in the November 2015 Comprehensive Spending Review that instead of properly funding adult social care through national taxation they would recommend that local councils increase council tax through a ‘social care precept’.
- The Department for Communities and Local Government include the assumption in spending power projections for LBHF that and other councils that authorities apply the precept and increase their council tax every year by 2% during the current parliament.
- The Provisional Local Government Finance Settlement for 2016/17 sees a grant reduction of £8.2m for LBHF. In addition, the Government has imposed £2.885m of new responsibilities on LBHF without providing any corresponding funding .

The Council resolves to:

- Reject the Government’s recommendation that council tax increases by 2% per year every year.
- Call on the Government to honour its commitment to “help local authorities keep council tax low” rather than transferring more of the funding burden for social care to local taxpayers.

7.3 **Special Motion 3 - Calling on the Conservative Government to abandon its plans to cut up to 10% of funding from H&F schools**

8.44pm – Councillor Sue Macmillan moved, seconded by Councillor Alan De’Ath, the special motion in their names:

“This Council welcomes the excellent work done by Hammersmith and Fulham’s schools in providing a first class education for our children and young people.

The Council notes with concern that recent announcements by both the Chancellor, George Osborne, and the Secretary of State for Education, Nicky Morgan, have confirmed the Government’s intention to shift funding away from ‘overfunded’ authorities in London to ‘underfunded’ authorities elsewhere.

The Council further notes that if the proposed approach were adopted, it could mean a reduction of £10.9m (10.6%) in funding for Hammersmith and Fulham’s Schools and that Hammersmith and Fulham could be one of the worst affected local authorities in the Country.

This Council therefore calls on the Conservative Government to reverse these plans and ensure that Hammersmith and Fulham’s Schools are fully funded so that they can continue to provide an excellent education for the Borough’s children and young people.”

Speeches on the special motion were made by Councillors Sue Macmillan and Alan De'Ath (for the Administration).

Under Standing Order 15(e) (vi), Councillor Caroline Ffiske moved, seconded by Councillor Lucy Ivimy, an amendment to the motion as follows:

1. Delete title and insert "Schools Funding".

2. Delete paragraphs (2) to (4) and insert:

"(2) Notes the government's plans to introduce the first ever national funding formula for schools, high needs and early years, with the detailed consultation beginning in 2016.

(3) When the details of the consultation become known, commits to working with Hammersmith & Fulham schools and Tri-borough partners to respond in detail to the consultation.

(4) Pledges to work to ensure:

(a) that any final formula recognises the particular funding requirements for the borough's schools, including pupil needs and cost differentials, and that;

(b) our local schools are fully funded to provide an excellent education for the Borough's children."

Speeches on the amendment to the special motion were made by Councillors Caroline Ffiske, Viya Nsumbu, and Donald Johnson (for the Opposition) and Councillor Sue Macmillan (for the Administration).

The amendment to the special motion was then put to the vote.

FOR	18
AGAINST	24
NOT VOTING	0

The amendment to the special motion was declared **LOST**.

Speeches on the substantive motion were made by Councillors Caroline Needham and Sue Macmillan (for the Administration).

The substantive motion was then put to the vote and a roll call was requested:

FOR	AGAINST	NOT VOTING
AHERNE	ALFORD	UMEH
BARLOW		ADAM
BROWN (D)		BOTTERILL
CASSIDY		BROWN (A)
CHUMNERY		DEWHIRST
COLEMAN		DONOVAN

CONNELL
COWAN
CULHANE
DE'ATH
FENNIMORE
HARCOURT
HASHEM
HOLDER
HOMAN
JONES
LUKEY
MACMILLAN
MURPHY
NEEDHAM
PEREZ
SCHMID
VAUGHAN
VINCENT

FFISKE
GINN
HAMILTON
IVIMY
JOHNSON
KARMEL
LOVEDAY
NSUMBU
PHIBBS
SMITH
STANTON

FOR	24
AGAINST	1
NOT VOTING	17

The motion was declared **CARRIED**.

9.19pm – RESOLVED

This Council welcomes the excellent work done by Hammersmith and Fulham's schools in providing a first class education for our children and young people.

The Council notes with concern that recent announcements by both the Chancellor, George Osborne, and the Secretary of State for Education, Nicky Morgan, have confirmed the Government's intention to shift funding away from 'overfunded' authorities in London to 'underfunded' authorities elsewhere.

The Council further notes that if the proposed approach were adopted, it could mean a reduction of £10.9m (10.6%) in funding for Hammersmith and Fulham's Schools and that Hammersmith and Fulham could be one of the worst affected local authorities in the Country.

This Council therefore calls on the Conservative Government to reverse these plans and ensure that Hammersmith and Fulham's Schools are fully funded so that they can continue to provide an excellent education for the Borough's children and young people.

7.4 Special Motion 7 - Neighbourhood Health Forums

9.20pm – Councillor Sharon Holder moved, seconded by Councillor Rory Vaughan, the special motion in their names:

“This Council welcomes the fact that residents in Hammersmith and Fulham are being invited to come and have their say on local healthcare at Neighbourhood Health Care Forums.

These events will provide local residents a platform to air their views directly to the NHS.

As part of the Council’s healthcare priorities it is essential that the Council hears the views and experiences of local residents.”

Speeches on the special motion were made by Councillors Sharon Holder and Rory Vaughan (for the Administration).

Under Standing Order 15(e) (vi), Councillor Andy Brown moved, seconded by Councillor Joe Carlebach, an amendment to the motion as follows:

Add the following:

“The Council recognises that the health needs of our vulnerable residents are often complex and diverse requiring specific detailed multidisciplinary care solutions.

The Council will make every effort to ensure that invitations are extended to groups representing our vulnerable residents and in particular those representing and working with children and adults with all forms of disabilities as well as the frail elderly.”

Speeches on the amendment to the special motion were made by Councillors Joe Carlebach and Andy Brown (for the Opposition) and Councillor Sharon Holder (for the Administration).

The amendment to the special motion was then put to the vote and a roll call was requested.

FOR	AGAINST	NOT VOTING
ADAM	AHERNE	UMEH
ALFORD	BARLOW	
BOTTERILL	BROWN (D)	
BROWN (A)	CASSIDY	
DEWHIRST	CHUMNERY	
DONOVAN	COLEMAN	
FFISKE	CONNELL	
GINN	COWAN	
HAMILTON	CULHANE	
IVIMY	DE’ATH	
JOHNSON	FENNIMORE	
KARMEL	HARCOURT	
LOVEDAY	HASHEM	
NSUMBU	HOLDER	
PHIBBS	HOMAN	
SMITH	JONES	

STANTON	LUKEY
	MACMILLAN
	MURPHY
	NEEDHAM
	PEREZ
	SCHMID
	VAUGHAN
	VINCENT

FOR	18
AGAINST	24
NOT VOTING	1

The amendment to the special motion was declared **LOST**.

Speeches on the substantive motion were made by Councillors Joe Carlebach and Andy Brown (for the Opposition) and Councillors Ben Coleman, Sue Fennimore, Stephen Cowan, and Sharon Holder (for the Administration).

The substantive motion was then put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

The motion was declared **CARRIED**.

10.02pm – RESOLVED

This Council welcomes the fact that residents in Hammersmith and Fulham are being invited to come and have their say on local healthcare at Neighbourhood Health Care Forums.

These events will provide local residents a platform to air their views directly to the NHS.

As part of the Council's healthcare priorities it is essential that the Council hears the views and experiences of local residents.

The Mayor called the guillotine and special motions 1, 2, 5, and 6 were withdrawn.

7.5 Special Motion 1 - Crossrail 2 Station at Imperial Wharf

The special motion was withdrawn.

7.6 Special Motion 2 - London Underground Night Service

The special motion was withdrawn.

7.7 Special Motion 5 - Arts Strategy Consultation

The special motion was withdrawn.

7.8 Special Motion 6 - Cycling Strategy

The special motion was withdrawn.

Meeting started: 7.00 pm
Meeting ended: 10.07 pm

Mayor

Appendix 1

Public Question at Full Council on 27 January 2016

Question 1 - 50/50 joint venture with Stanhope - this question is for Councillor Cowan.

When LBHF entered into 50/50 joint venture with Stanhope in March 2014 to deliver hundreds of new homes across the borough, it was envisaged that planning applications to re-develop both Watermeadow Court and Edith Summerskill House would be submitted within 12 months. Yet nearly two years later, these sites stand empty and bricked-up, with no applications having been submitted. Since he formed his administration in May 2014, can he confirm when he, or any member of his cabinet, last attended a board meeting of the joint venture?

Response from the Cabinet Member for Economic Development and Regeneration, Councillor Andrew Jones

Dear Mr Johnson,

Thank you for your enquiry. Following the entering into the conditional joint venture agreement by the previous administration the party identified to provide funding for the two opportunity sites exercised its right to take advice on whether the Council under the previous administration had acted ultra vires in creating a Limited Liability Partnership (LLP). Opinion provided to the funder by a leading QC concluded that the Council had acted ultra vires and that the transaction was at material risk of being wound up. The Council and its JV partner, following detailed discussions with their respective legal teams, sort a second opinion. The second opinion provided by QC refutes the original opinion and concluded that the Council had acted intra vires however as there are competing opinions it was recommended that the LLP be wound up and a new company be set up in its place. This has been a long process which requires full cabinet approval and the report is to be presented to Cabinet on 8th February 2016.

During this period the administration has also reviewed its housing strategy in order to provide housing to those most in need. The opportunity sites approved for redevelopment by the previous administration both contained social rented housing however the development plans included in the joint venture contract documents proposed no re-provision of this much needed housing tenure. Consequently the Administration has successfully negotiated a revision to the site specific development plans to include a significant proportion of social rented homes. This amendment also requires full Cabinet approval and is included in the report to be presented to Cabinet on 8th January 2016.

As a result of the uncertainty around whether the Council had acted ultra vires in setting up the LLP both parties deemed it prudent not to incur significant expenditure on consultant fees in relation to submitting a planning application. Having said this design work has advanced and pre-application discussions have been taking place with the planning authority. Due to the size of the proposed developments the schemes are referable to the Greater London Authority (GLA) who will need to approve the design and approach to tenure before a detailed planning application can be made. Due to the fact that the GLA are working through a significant volume of applications arranging a meeting to discuss our proposals has been difficult. However a meeting has now been set up on 16th February 2016 and the JV anticipates being in a position to submit a planning application in May/ June this year.

In relation to attendance at Board meetings as all previous board members have left the Council the necessary steps have had to be undertaken to appoint new members. During the period where the legal issues were being resolved no Board meetings were held, instead updates were received from officers so that members could monitor progress. Subject to Cabinet approval on 8th February 2016 the LLP will be wound up and the new company will be set up with new board members appointed. Board meetings will be held quarterly following the creation of the new company.