

COUNCIL MINUTES

(ORDINARY COUNCIL MEETING)

WEDNESDAY 23 OCTOBER 2013



PRESENT

The Mayor Councillor Frances Stainton
Deputy Mayor Councillor Adronie Alford

Councillors:

Michael Adam	Oliver Craig	Andrew Jones
Colin Aherne	Tom Crofts	Alex Karmel
Helen Binmore	Ali De-Lisle	Jane Law
Nicholas Botterill	Charlie Dewhurst	Mark Loveday
Victoria Brocklebank-Fowler	Belinda Donovan	PJ Murphy
Andrew Brown	Rachel Ford	Caroline Needham
Daryl Brown	Marcus Ginn	Harry Phibbs
Joe Carlebach	Peter Graham	Sally Powell
Michael Cartwright	Steve Hamilton	Max Schmid
Alex Chalk	Wesley Harcourt	Greg Smith
Elaine Chumnerly	Lisa Homan	Matt Thorley
Iain Coleman	Robert Iggulden	Rory Vaughan
Georgie Cooney	Andrew Johnson	
Stephen Cowan	Donald Johnson	

18. MINUTES

7pm – RESOLVED:

The minutes of the Council Meeting held on 3 July 2013 were confirmed and signed as an accurate record.

19. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gavin Donovan, Peter Tobias and Mercy Umeh.

Apologies for lateness were received from Councillors Andrew Brown, Alex Chalk, Lisa Homan and Jane Law.

20. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS

Chief Executive's Retirement – Mr Derek Myers

7.05pm – The Mayor expressed her thanks to Mr Derek Myers, the outgoing Chief Executive, as this was his last Council meeting, noting that she had found him to be extremely well briefed, well mannered and effective. He had been with the Council for over two years but it had felt like longer. He had guided the Council through the Tri Borough programme. The Mayor sent Mr Myers her good wishes for his next career and with his work with Shelter.

Councillor Nicholas Botterill thanked Mr Myers, referring to his speech when Mr Myers was first appointed, when he had said the Council was very privileged to have secured the services of one of the pre-eminent and highly regarded local authority leaders in the country, and noted that these words had stood the test of time. Mr Myers managed to provide clarity, purpose and sound judgement in all that he did. The role between the Leader and Chief Executive was interesting and getting it right was not that easy. Mr Myers' skills included fully appreciating the mindset of politicians, combined with a depth of knowledge and sound judgement. Councillor Botterill commented that they did not agree on every single aspect which would have been unhealthy if that were the case. Mr Myers was able to understand the differences between H&F and RBKC and to work with them. He could make alterations in respect of the different cultures and histories of the two boroughs he managed, which was no mean feat. Councillor Botterill formally thanked Mr Myers on behalf of the borough for all his efforts and thanked him personally for all the help and assistance he had given.

Councillor Cowan echoed the Leader's comments. He recognised Mr Myers had led a life in public service, which he respected. Mr Myers had a calming influence in many ways in Hammersmith and Fulham. Councillor Cowan congratulated Mr Myers on his move to Shelter. He hoped Mr Myers and his family enjoyed a happy retirement and found what he did next to be fruitful and enjoyable.

21. DECLARATIONS OF INTERESTS

There were no declarations of interest.

22. PUBLIC QUESTIONS (20 MINUTES)

22.1 Question 1 - Ms Desiree Cranenburgh

7.14pm - The Mayor called on Ms Desiree Cranenburgh who had submitted a question to the Cabinet Member for Community Care (Councillor Marcus Ginn) to ask her question. The Cabinet Member for Community Care responded. Ms Cranenburgh asked a supplementary question which was also answered.

22.2 Question 2 - Mr Barrie Stead

7.19pm - The Mayor called on Mr Barrie Stead who had submitted a question to the Cabinet Member for Community Care (Councillor Marcus Ginn) to ask his question. The Cabinet Member for Community Care responded. Mr Stead asked a supplementary question which was also answered.

22.3 Question 3 - Mr Peter Chutter

7.25pm - The Mayor called on Mr Peter Chutter who had submitted a question to the Cabinet Member for Community Care (Councillor Marcus Ginn) to ask his question. The Cabinet Member for Community Care responded. Mr Chutter asked a supplementary question which was also answered.

Under Standing Order 15(e)(xii), Councillor Loveday moved the suspension of the 20 minutes time limit under Standing Order 12(g) to allow all of the public questions to be answered, which was agreed.

22.4 Question 4 - Ms Dede Wilson

7.31pm - The Mayor called on Ms Dede Wilson who had submitted a question to the Cabinet Member for Community Care (Councillor Marcus Ginn) to ask her question. The Cabinet Member for Community Care responded. Ms Wilson asked a supplementary question which was also answered.

22.5 Question 5 - Ms Suzanna Harris

7.40pm - The Mayor called on Ms Suzanna Harris who had submitted a question to the Cabinet Member for Community Care (Councillor Marcus Ginn) to ask her question. The Cabinet Member for Community Care responded. Ms Harris asked a supplementary question which was also answered.

(A copy of all the public questions submitted and the replies given are attached at **Appendices 1 - 5** to these minutes).

23. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

23.1 Appointment of Head of Paid Service

7.45pm - The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Nicholas Botterill.

A speech on the report was made by Councillor Nicholas Botterill (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**.

7.49pm **RESOLVED**:

- (1) That Mr Nicholas Holgate be appointed the Head of Paid Service for the London Borough of Hammersmith and Fulham; and
- (2) Mr Holgate to act as the Joint Chief Executive for the London Borough of Hammersmith and Fulham and the Royal Borough of Kensington and Chelsea.

23.2 White City Opportunity Area Planning Framework

7.50pm - The report and recommendation were formally moved for adoption by the Cabinet Member for Transport and Technical Services, Councillor Victoria Brocklebank-Fowler.

A speech on the report was made by Councillor Nicholas Botterill (for the Administration).

Under Standing Order 13(2) (b), Councillor Michael Cartwright moved, seconded by Councillor Andrew Jones, an amendment to the recommendation as follows:

“Delete all after ‘be’ and insert “not adopted and Officers be instructed to prepare a further report after giving proper consideration to the issues raised by residents during the statutory consultation period.”

Speeches on the amendment were made by Councillors Michael Cartwright, Andrew Jones, Wesley Harcourt, Max Schmid, Sally Powell and Stephen Cowan (for the Opposition) and Councillors Andrew Johnson, Nicholas Botterill, Peter Graham and Mark Loveday (for the Administration).

The amendment was put to the vote:

FOR	13
AGAINST	24
NOT VOTING	0

The amendment to the recommendation was declared **LOST**.

The report and recommendation were then put to the vote:

FOR	24
AGAINST	13
NOT VOTING	0

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

8.45pm **RESOLVED**:

That the White City Opportunity Area Planning Framework (WCOAPF) (Appendix 1 of the report) as a Supplementary Planning Document be adopted.

23.3 Statement of Community Involvement in Planning: Adoption of Document

8.46pm - The report and recommendation were formally moved for adoption by the Cabinet Member for Transport and Technical Services, Councillor Victoria Brocklebank-Fowler.

Speeches on the report were made by Councillor Victoria Brocklebank-Fowler (for the Administration) and Councillor Stephen Cowan (for the Opposition).

The report and recommendation were put to the vote:

FOR	unanimous
AGAINST	0
NOT VOTING	0

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

8.54pm **RESOLVED**:

That the revised Statement of Community Involvement in Planning (Appendix 2 of the report) be adopted.

23.4 Treasury Report 2012/13 Outturn

8.55pm - The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Nicholas Botterill.

Speeches on the report were made by Councillor Nicholas Botterill (for the Administration) and Councillor Stephen Cowan (for the Opposition).

The report and recommendations were put to the vote:

FOR	unanimous
AGAINST	0
NOT VOTING	0

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

8.59pm **RESOLVED:**

- (1) that it be noted that the Council has not undertaken any borrowing for the period 1 April 2012 to 31 March 2013; and
- (2) the investment activity for the period 1 April 2012 to 31 March 2013 be noted.

23.5 Annual Review of the Code of Conduct and Constitution Report

9pm - The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Nicholas Botterill.

The report and recommendations were put to the vote:

FOR	unanimous
AGAINST	0
NOT VOTING	0

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

9pm **RESOLVED:**

- (1) That the proposed changes to the "Arrangements for dealing with complaints alleging a breach of the Members' Code of Conduct" set out in paragraph 5.6 of the report and Appendix 1, be approved;
- (2) That the Audit, Pensions and Standards Committee's terms of reference include " To consider any applications for dispensations from Councillors and co-opted members to allow them to participate in decisions", be approved;
- (3) That in the event of an application for dispensation being received, a three member, Audit, Pensions and Standards (Dispensation) Sub Committee would be set up to consider the request, be noted;
- (4) That the draft guidance for applications for dispensations attached at Appendix 2 of the report, be approved; and
- (5) That the Director - Property Service and Asset Management and Head of Building Services be granted authority to deal with Party Wall Matters under the Building Act 1984 and Party Wall Act 1996, be agreed.

23.6 Annual Report of the Audit, Pensions and Standards Committee 2012/13

9.01pm - The report and recommendation were formally moved for adoption by the Leader of the Council, Councillor Nicholas Botterill.

Speeches on the report were made by Councillor Michael Adam (for the Administration) and Councillors PJ Murphy and Stephen Cowan (for the Opposition).

The report and recommendation were put to the vote:

FOR	26
AGAINST	12
NOT VOTING	0

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

9.19pm **RESOLVED**:

That the annual report be approved.

24. SPECIAL MOTIONS

24.1 Special Motion 1 - Transparency

9.20pm – Councillor Stephen Cowan moved, seconded by Councillor Michael Cartwright, the special motion standing in their names:

“The Council agrees that elected representatives serve at the pleasure of the public and that the public has a right to know what is done in their name. It notes that no verbatim minutes are kept of any council meeting and that allowing members of the public to make audio and video recordings will cost nothing, make for a more comprehensive public record and will help improve public scrutiny.

The Council therefore resolves to delete the current Standing Order 21(g) and replace it to read:

“Members of the public are entitled to photograph, film and make audio recordings of all public council meetings and committees.””

A speech on the special motion was made by Councillor Stephen Cowan (for the Opposition).

Under Standing Order 15(e) (vi), Councillor Mark Loveday moved, seconded by Councillor Harry Phibbs an amendment to the motion as follows:

“Delete all and insert:

“This Council resolves to delete Standing Order 21(g) and replace it to read:

‘(g) The Council will provide reasonable facilities for any member of the public to report on meetings that are open to the public:

- (i) The taking of photographs, filming, recording or any other means of communicating the proceedings of a meeting shall be permitted.
- (ii) The Council may ask for the taking of photographs, filming, recording or other communication of a meeting to be undertaken in such a way that it is not disruptive or distracting and that it is carried out in a way which is conducive to the good order and conduct of the meeting.
- (iii) Attendees should be informed that a meeting is being photographed, filmed or recorded.

- (iv) The Monitoring Officer will (in conjunction with the Overview and Scrutiny Board) from time to time provide guidance on the taking of photographs, filming, recording or other means of communication of the proceedings of any meeting.”

Speeches on the amendment to the special motion were made by Councillors Mark Loveday and Harry Phibbs (for the Administration) and by Councillor Stephen Cowan (for the Opposition).

The amendment was put to the vote:

FOR	unanimous
AGAINST	0
NOT VOTING	0

The amendment was declared **CARRIED**.

The substantive motion as amended was put to the vote:

FOR	unanimous
AGAINST	0
NOT VOTING	0

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

9.35pm – **RESOLVED**:

This Council resolves to delete Standing Order 21(g) and replace it to read:

“(g) The Council will provide reasonable facilities for any member of the public to report on meetings that are open to the public:

- (i) The taking of photographs, filming, recording or any other means of communicating the proceedings of a meeting shall be permitted.
- (ii) The Council may ask for the taking of photographs, filming, recording or other communication of a meeting to be undertaken in such a way that it is not disruptive or distracting and that it is carried out in a way which is conducive to the good order and conduct of the meeting.
- (iii) Attendees should be informed that a meeting is being photographed, filmed or recorded.
- (iv) The Monitoring Officer will (in conjunction with the Overview and Scrutiny Board) from time to time provide guidance on the taking of photographs, filming, recording or other means of communication of the proceedings of any meeting.”

24.2 Special Motion 2 - Hammersmith Flyunder

9.36pm – Councillor Nicholas Botterill moved, seconded by Councillor Harry Phibbs, the special motion standing in their names:

“This Council:

1. Welcomes the appointment of the borough’s “Flyunder Champion” Neale Stevenson and the Council’s taskforce on the Hammersmith Flyunder.
2. Resolves to work towards a tunnel replacement for the Hammersmith Flyover.”

A speech on the special motion was made by Councillor Nicholas Botterill (for the Administration).

Under Standing Order 15(e) (vi), Councillor Stephen Cowan moved, seconded by Councillor Wesley Harcourt, an amendment to the motion as follows:

“Add the following two paragraphs:

3. This Council recognises that it is important to run an effective cross-party campaign that demonstrates to the public and key government and GLA decision makers how all of the London Borough of Hammersmith and Fulham Council’s elected representatives back the Hammersmith Flyunder project.
4. The Council determines that in order to properly influence current and future London Mayors and UK governments it will need to propose a strong case that properly sets out how the Flyunder can be financed, the economic and regeneration benefits, the strategic advantages and how this will best improve London’s infrastructure in preparation for rapid population expansion over the next two decades.”

Councillor Cowan reported that he had agreed that paragraph 4 of the above amendment should be deleted.

Speeches on the amendment were made by Councillors Stephen Cowan and Wesley Harcourt (for the Opposition) and Councillors Harry Phibbs, Robert Iggulden and Charlie Dewhirst (for the Administration) before it was put to the vote:

FOR	unanimous
AGAINST	0
NOT VOTING	0

The amendment to the motion (as further amended) was declared **CARRIED**.

The substantive motion as amended was put to the vote:

FOR	unanimous
AGAINST	0
NOT VOTING	0

The motion was declared **CARRIED**.

9.51pm – **RESOLVED**:

This Council:

1. Welcomes the appointment of the borough's "Flyunder Champion" Neale Stevenson and the Council's taskforce on the Hammersmith Flyunder.
2. Resolves to work towards a tunnel replacement for the Hammersmith Flyover.
3. This Council recognises that it is important to run an effective cross-party campaign that demonstrates to the public and key government and GLA decision makers how all of the London Borough of Hammersmith and Fulham Council's elected representatives back the Hammersmith Flyunder project.

24.3 Special Motion 3 - Flyunder

The motion was withdrawn.

25. INFORMATION REPORTS - TO NOTE (IF ANY)

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

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

Meeting started: 7.00 pm
Meeting ended: 9.52 pm

Mayor

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 23 OCTOBER 2013

Question by: Ms Desiree Cranenburgh

To: Cabinet Member for Community Care

QUESTION

“Will you publically call on Jeremy Hunt to Save our Hospitals?”

ANSWER

We have done more than that. The Leader and I met Jeremy Hunt in person on 18th September to lobby for the best possible hospital services in Hammersmith and Fulham. In contrast with the approach taken by some others, we have sought to constructively engage with government.

Specifically, we asked Mr Hunt to consider the case for even better emergency care than is currently planned at Charing Cross.

We want to see emergency services retained as far as possible, whilst still accepting that people with very complex conditions will receive the care they need by going to hospitals that have specialist round-the-clock consultant cover and a full range of complementary specialisms on site.

We also impressed upon Mr Hunt our desire to see Charing Cross become a world class centre for elective (non-emergency) surgery and remain as a teaching hospital of international renown.

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 23 OCTOBER 2013

Question by: Mr Barrie Stead

To: Cabinet Member for Community Care

QUESTION

“Could you provide copies of the minutes and give a general report of the recent meetings you’ve had with Imperial to discuss the future of the Charing Cross hospital site?”

Answer

I meet with Imperial and other health providers frequently. It is our policy to constructively engage with hospital trusts, as well as with the CCG’s and government.

In particular, I met with the Chief Executive and members of the Imperial Board on 4th September.

At that meeting I reiterated the Council’s desire to see the best possible emergency services on the Charing Cross site.

It was at this meeting, following our lobbying, that they confirmed their desire to see a world class elective surgery centre established at Charing Cross.

I also repeated my request that any plans to redevelop the Charing Cross site should include a significant provision of Extra Care housing. Situated within an ecosystem of health and social care support it will prevent acute hospital admissions and residential care placements, and maximise the independence of frail residents.

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 23 OCTOBER 2013

Question by: Mr Peter Chutter

To: Cabinet Member for Community Care

QUESTION

“Does the council agree with Dr Mark Spencer's comments on TV that the increased journey time to a suitable hospital, other than Charing Cross if you live in the Charing Cross Hospital area, will only be about one and half minutes?”

Answer

I think it is wrong to solely focus on ambulance times. We should also be focusing on what happens to you when you reach hospital.

There is considerable evidence emerging that, even with longer ambulance times, patients have better outcomes if they go to a hospital that has the dedicated resources to deal with their particular emergency, with expert-round-the-clock care.

The Academy of Royal Medical Colleges, representing most of Britain's 220,000 doctors, has supported the creation of larger and better staffed units which are lead by consultants 7 days per week.

For example, if you suffer a heart attack and live in the south of the borough, you have a greater chance of survival if the ambulance carries on past Charing Cross to Hammersmith, Hospital which has a world-class cardiology unit with specialist staff and equipment.

This idea that every hospital has to offer a wide-range of services is unsafe and costs lives – because not every hospital can have sufficient resources to deal with every specialist emergency. There just are not enough senior clinicians in the country to do this.

Dr Andy Mitchell, Medical Director for NHS England in London, has recently been quoted as saying that “this idea that all hospitals provide a whole range of services is unsustainable and unsafe”

To put it starkly, if you were unlucky enough to arrive with a serious emergency at a general hospital, on a Sunday night at the moment, you would have less chance of survival due to the potential absence of any consultant clinicians.

What Hammersmith & Fulham Council has been pushing hard for, and continues to push hard for, is to ensure that Charing Cross's emergency unit offers the very best standard of care possible within this local expert-care network.

We want to see our local A&E available for as many residents as possible - which is why we have lobbied hard for stronger emergency facilities at Charing Cross.

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 23 OCTOBER 2013

Question by: Ms Dede Wilson

To: Cabinet Member for Community Care

QUESTION

“Neither SaHF nor LBHF tackled the issue of third world voting in the Consultation through open electioneering in Option A preferred hospitals, with blue voting cards and instructions on every department reception desk at CW Hospital when other hospitals were kept in the dark. *Trust News* had guidelines for simple voting to save CW hospital whilst LBHF and SaHF knew other hospitals were not allowed to do the same. They did not monitor this third world electioneering. How can the Consultation be considered in any way valid in view of this and when only 628,384 leaflets were distributed out of 8,000, 000 people in NW London and none were distributed in LBHF?”

Answer

This is a question for North West London NHS rather than the Council because the Council played no part in the consultation other than as a respondent.

Indeed, we were highly critical of the consultation and the way it was constructed.

However, there comes a time when you realise that criticism alone does not work. That is why we decided to get round the table with the NHS to win concessions on behalf of our residents.

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 23 OCTOBER 2013

Question by: Ms Suzanna Harris

To: Cabinet Member for Community Care

QUESTION

“In their future plans for Charing Cross, has the council carried out population increase predictions, based on the number of new homes planned for the borough for the next 10 years? And for the increase in people coming to the borough daily to work ?

Have they assessed the possible numbers of people who might need treatment at an A&E in the case of a mass incident at Fulham Football Club, or the Boat Race ? Would St Mary's and Chelsea-Westminster have the capacity required ?

Already our campaign has had a number of reports about a lack of capacity, long waiting times, and admissions to less appropriate wards because of pressure on acute beds at these hospitals.”

Answer

It is worth remembering that the “future plans” for Charing Cross Hospital are made by North West London NHS, not the Council. However, in formulating plans, North West London NHS - as the architect of those plans - used population figures that came out of the recent Census.

They also tell me that NHS England is now responsible for emergency planning across London and have very clear plans in place for dealing with major incidents.

Each hospital in London is categorised as a different type of responder. For inner North West London St.Mary’s Hospital has already been categorised as the major trauma centre. This is nothing new and has been the case for some time. In other words, it is already the case that in the event of a major incident in our area, the majority of serious emergency cases would go to St Mary’s Hospital.

On the issue of hospital capacity, it should also be recognised that through the Out of Hospital Strategy the local NHS and Hammersmith & Fulham Council are working to prevent unnecessary hospital admissions, and in particular preventable presentations to A&E. No resident, particularly a frail and elderly resident, wants to experience a health crisis and spend time in hospital, away from their home and family if it is preventable. Through a series of joint initiatives we intend to provide enhanced social, community and primary care services for residents which will prevent them going to hospital in the first place. The Council has long maintained that no changes to our major acute hospitals can be considered until a reduction in demand has been proven.