

# **COUNCIL MINUTES**

(ORDINARY COUNCIL MEETING)

WEDNESDAY 23 JULY 2014



## PRESENT

The Mayor Councillor Mercy Umeh  
Deputy Mayor Councillor Ali Hashem

### Councillors:

Michael Adam  
Adronie Alford  
Colin Aherne  
Hannah Barlow  
Nicholas Botterill  
Andrew Brown  
Daryl Brown  
Joe Carlebach  
Michael Cartwright  
Iain Cassidy  
Elaine Chumnerly  
Ben Coleman  
Adam Connell  
Stephen Cowan

Larry Culhane  
Alan De'Ath  
Charlie Dewhirst  
Belinda Donovan  
Sue Fennimore  
Caroline Ffiske  
Marcus Ginn  
Steve Hamilton  
Wesley Harcourt  
Lisa Homan  
Lucy Ivimy  
Donald Johnson  
Andrew Jones  
Alex Karmel

Robert Largan  
Jane Law  
Mark Loveday  
Vivienne Lukey  
Sue Macmillan  
PJ Murphy  
Caroline Needham  
Viya Nsumbu  
Natalia Perez Shepherd  
Harry Phibbs  
Max Schmid  
Greg Smith  
Rory Vaughan  
Guy Vincent

## 9. MINUTES

### **RESOLVED:**

That the minutes of the Annual Council Meeting held on 16 June 2014 were confirmed and signed as an accurate record.

## 10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Sharon Holder and Frances Stainton.

## 11. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS

The Council observed a minute silence for the victims of flight MH17.

## **12. DECLARATIONS OF INTERESTS**

In respect of Special Motion 2 – Trade Unions, the following significant interests were declared:

- Councillors Colin Aherne, Michael Cartwright, Adam Connell, Stephen Cowan, Wesley Harcourt, Lisa Homan, Andrew Jones, Natalia Perez Shepherd, Max Schmid, Rory Vaughan and Guy Vincent as they were members of Unite the Union.
- Councillor Stephen Cowan as he was a lapsed member of the Institute of Directors.
- Councillors Stephen Cowan, Larry Culhane, Alan De’Ath and Ali Hashem as they were members of the GMB
- Councillor Daryl Brown as she was a member of UCU
- Councillor Wesley Harcourt as he was a member of USDAW
- Councillor Sue Macmillan as she was a member of Community Union
- Councillor Guy Vincent as he was a member of the Law Society

The above Councillors considered that this did not give rise to a perception of a conflict of interests and, in the circumstances it would be reasonable to participate in the discussion and vote thereon.

In respect of Special Motion 6 – Saving Our Hospitals, Councillor Joe Carlebach declared a significant interest as he was a trustee of Arthritis Research UK and a non-executive director of the Royal National Orthopaedic Trust. He considered that this did not give rise to a perception of a conflict of interests and, in the circumstances it would be reasonable to participate in the discussion and vote thereon.

## **13. PUBLIC QUESTIONS (20 MINUTES)**

### **13.1 Question 1 - Lance Pierson**

7.07pm - The Mayor called on Mr Lance Pierson who had submitted a question to the Leader of the Council, Councillor Stephen Cowan, to ask his question. The Leader responded. Mr Pierson asked a supplementary question which was also answered.

### **13.2 Question 2 - Nnamdi E.S. Okoye**

7.15pm - The Mayor called on Mr Nnamdi E.S. Okoye who had submitted a question to the Cabinet Member for Environment, Transport and Residents Services, Councillor Wesley Harcourt, to ask his question. The Cabinet Member for Environment, Transport and Residents Services responded. Mr Okoye 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 and 2** to these minutes).

## 14. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

### 14.1 Interim Budget Report

7.19pm - The report and recommendations were formally moved for adoption by the Cabinet Member for Finance, Councillor Max Schmid.

Speeches on the report were made by Councillors Max Schmid, Larry Culhane, Stephen Cowan, Andrew Jones and PJ Murphy (for the Administration) and Councillors Greg Smith, Harry Phibbs and Nicholas Botterill (for the Opposition).

The report and recommendations were put to the vote:

FOR	25
AGAINST	19
NOT VOTING	0

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

#### 7.49pm **RESOLVED:**

- (1) That the Council notes the plan to reduce spend against the 2014/15 general fund budget by £3,998,000 and the HRA budget by £108,000.
- (2) That the charge of £478 for a burial at 24 hours notice, outside the normal operational hours of 10AM – 4PM Monday to Friday, be abolished.

### 14.2 Review of the Council's Constitution - In Year Revisions

7.50pm - 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 Councillor Mark Loveday (for the Opposition) and Councillor Stephen Cowan (for the Administration).

The report and recommendations were put to the vote :

FOR	25
AGAINST	19
NOT VOTING	0

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

8pm **RESOLVED:**

- (1) That the amendments to the Overview and Scrutiny Procedure Rules applying to co-optees to the Policy and Accountability Committees as set out in paragraph 4.2 of the report be agreed.
- (2) That the revised Contract Standing Orders as set out in paragraph 4.3 and Appendix 1 of the report be agreed.
- (3) That the quorum of the Audit, Pensions and Standards Committee be increased from 3 Members to 5 Members as set out in paragraph 4.4 of the report.
- (4) That the minor amendments made to the Officer Schemes of Delegation by the Monitoring Officer, as set out in paragraph 4.5 and Appendix 2 of the report, be agreed.
- (5) That the amendments to the Cabinet portfolios enabling Cabinet Members to set up advisory Groups which will advise on policy issues, be agreed.

## **15. SPECIAL MOTIONS**

8pm – Under Standing Order 15(e) iii, Councillor Colin Aherne moved a motion that Special Motion 6 Saving Our Hospitals take precedence on the agenda and be considered. This was agreed.

### **15.1 Special Motion 6 - Saving Our Hospitals**

8.01pm – Councillor Stephen Cowan moved, seconded by Councillor Rory Vaughan, the special motion standing in their names:

“The Council notes that the former administration put out literature claiming that it had “saved” Charing Cross Hospital and “retained” the A&E. It regrets that misleading propaganda and calls for a vigorous defence of Charing Cross Hospital, the borough’s A&E’s and local health services.”

Speeches on the Special Motion were made by Councillors Stephen Cowan and Rory Vaughan (for the Administration) and Councillor Marcus Ginn (for the Opposition).

Under Standing Order 15(e) (vi), Councillor Andrew Brown moved, seconded by Councillor Marcus Ginn, an amendment to the motion as follows:

“Delete all after "This Council" and insert:

- (1) understands that there is widespread expert clinician support for changes to emergency healthcare services to ensure patients have access to the very best specialist consultant present care 24 hours a day 7 days a week which is

supported by: Sir Bruce Keogh, National Medical Director; the Academy of Medical Royal Colleges; the College of Emergency Medicine; the Royal College of Physicians; the Royal College of Paediatrics and Child Health; as well as the Royal College of Surgeons.

- (2) Accepts that locally, proposed changes to the NHS originated from Professor Lord Darzi, at the time a Labour Health Minister and a surgeon based at St Mary's Hospital, and his review, "High Quality Care for All", and that the "Shaping a Healthier Future" proposals in respect of emergency care are supported by the lead clinicians of all the NHS Trusts in North West London, as well as GPs and Clinical Commissioning Groups, including in Hammersmith and Fulham.
- (3) Recognises the need for reform of NHS services to address the challenges and opportunities of 21<sup>st</sup> century medicine, but at the same time understands the public's concern about proposed changes to Charing Cross and Hammersmith Hospitals and is determined to secure the best healthcare that it can for local residents.
- (4) Notes that the original 'Shaping a Healthier Future' proposal for the Charing Cross site was little more than an urgent care centre in one small corner of the site, with no facilities for Imperial College Faculty of Medicine and the loss of most of the specialist treatment and clinics currently available there.
- (5) Acknowledges the importance of the cross party opposition to these proposals coupled with the strong lobby from local residents in causing the NHS to rethink their proposals for the Charing Cross site.
- (6) Further notes that the former administration negotiated a greatly improved proposal for the Charing Cross site, which included retention of an A&E for all except the most serious cases; augmented consultant led care of the elderly medicine; retention of consultant led oncology services including full diagnostics, chemotherapy and increased radiotherapy provision; retention of outpatient facilities; retention of full general diagnostic services including MRI scanners and ultrasound; retention of medical school facilities; and creation of a world class centre for elective medicine.
- (7) Notes that it was the enhanced proposal for the Charing Cross site that was formally approved by the JCPCT in February 2013 and that the JCPCT refused to approve the original 'Shaping a Healthier Future' proposal without the enhancements.
- (8) Regrets that there has not been greater involvement in the public debate from local leading clinicians and the NHS and calls on those healthcare experts to convince the public of the evidence behind, and the need for, their proposals.
- (9) Calls on the new administration to work with the NHS and Imperial College Healthcare Trust to further develop the enhanced Shaping a Healthier Future proposals for the Charing Cross site programme which is supported by evidence and expert local clinicians, and further calls on them to conduct the

debate on local healthcare with honesty and integrity and without scaremongering.”

Speeches on the amendment were made by Councillors Andrew Brown, Lucy Ivimy and Greg Smith (for the Opposition) and Councillors Stephen Cowan and Max Schmid (for the Administration) before it was put to the vote:

FOR	19
AGAINST	25
NOT VOTING	0

The amendment was declared **LOST**.

Speeches on the substantive amendment were made by Councillors Adam Connell, Vivienne Lukey, Hannah Barlow and Stephen Cowan (for the Administration) and Councillors Joe Carlebach and Andrew Brown (for the Opposition) before it was put to the vote:

FOR	25
AGAINST	19
NOT VOTING	0

The motion was declared **CARRIED**.

9.09pm – **RESOLVED**:

The Council notes that the former administration put out literature claiming that it had “saved” Charing Cross Hospital and “retained” the A&E. It regrets that misleading propaganda and calls for a vigorous defence of Charing Cross Hospital, the borough’s A&E’s and local health services.

9.09pm – Under Standing Order 15(e) iii, Councillor Colin Aherne moved a motion that Special Motion 3 Homes for Residents and not Overseas Investors takes precedence on the agenda and be considered. This was agreed.

## 15.2 Special Motion 3 - Homes for Residents not Overseas Investors

9.10pm – Councillor Andrew Jones moved, seconded by Councillor Ben Coleman, the special motion standing in their names:

“This Council notes the poor historic delivery of affordable housing in the Borough, including developments under the last Administration achieving only 0% affordable housing against the London Plan target of 40%.

Furthermore, the Council notes that the housing crisis affects a wide range of Londoners from twenty- and thirty- somethings looking to get onto the property ladder to those seeking genuinely affordable homes to rent.

The Council therefore resolves to review, as a matter of urgency, the Local Plan in order to deliver much greater levels of truly affordable housing for residents to rent and for residents to buy.”

Speeches on the Special Motion were made by Councillors Andrew Jones, Ben Coleman and Sue Fennimore (for the Administration).

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

“Delete everything after "This Council" and insert:

“Notes the excellent delivery of housing in the borough achieved by the last administration, including the exceptional 5,703 additional homes approved in 2011/12, and notes that the Borough is well ahead of its London Plan target for housing approvals.

- (1) Notes the great need for housing in London for all sections of the population and in particular the difficulty for young Londoners in buying their first homes. It applauds the initiative of the last administration in promoting H&F Homebuy and acknowledges its success in meeting this need.
- (2) Resolves to continue to support the work of H&F Homebuy.
- (3) Further notes the potential delivery of 12,780 additional dwellings between 2011/12 and 2031/32 in the Regeneration Areas of the Borough and resolves to do all in its power to ensure that this much needed housing is built.

This Council further notes the planned delivery of very substantial quantities of housing in the Regeneration Areas of the Borough and resolves to do all in its power to ensure that these are achieved.”

Speeches on the amendment to the Special Motion were made by Councillors Lucy Ivimy, Marcus Ginn and Nicholas Botterill (for the Opposition) and by Councillors Lisa Homan, Iain Cassidy, Michael Cartwright and Stephen Cowan (for the Administration) before it was put to the vote:

FOR	19
AGAINST	24
NOT VOTING	0

The amendment was declared **LOST**.

A speech on the substantive motion was made by Councillor Andrew Jones (for the Administration) before it was put to the vote:

FOR	24
AGAINST	19
NOT VOTING	0

The motion was declared **CARRIED**.



10.03pm – **RESOLVED:**

This Council notes the poor historic delivery of affordable housing in the Borough, including developments under the last Administration achieving only 0% affordable housing against the London Plan target of 40%.

Furthermore, the Council notes that the housing crisis affects a wide range of Londoners from twenty- and thirty- somethings looking to get onto the property ladder to those seeking genuinely affordable homes to rent.

The Council therefore resolves to review, as a matter of urgency, the Local Plan in order to deliver much greater levels of truly affordable housing for residents to rent and for residents to buy.

*(as the guillotine had passed, all remaining items on the agenda were considered without discussion).*

15.3 Special Motion 1 - Labour's Mansion Tax

This motion was withdrawn.

15.4 Special Motion 2 - Trade Unions

This motion was withdrawn.

15.5 Special Motion 4 - Cutting Waste and Delivering Better Value

10.04pm – Councillor Max Schmid moved, seconded by Councillor Michael Cartwright, the special motion standing in their names:

“The Council agrees with the new administration’s decisions to close down expensive propaganda magazines, stop the former administration’s practice of hanging vanity banners from lamp posts and cut the wasteful expenditure on food at council meetings.

It further notes the new revenues being generated from selling sponsorship on banners and agrees with the tougher and more effective approach to negotiating with developers.”

The motion was put to the vote:

FOR	24
AGAINST	19
NOT VOTING	0

The motion was declared **CARRIED**.

10.04pm – **RESOLVED:**

The Council agrees with the new administration's decisions to close down expensive propaganda magazines, stop the former administration's practice of hanging vanity banners from lamp posts and cut the wasteful expenditure on food at council meetings.

It further notes the new revenues being generated from selling sponsorship on banners and agrees with the tougher and more effective approach to negotiating with developers.

#### 15.6 Special Motion 5 - Fulham Boys School

10.05pm – Councillor Sue Macmillan moved, seconded by Councillor Stephen Cowan, the special motion standing in their names:

“The Council notes that The Conservative government designed free schools to be totally free of locally authorities but despite that will do all it reasonably can to support Fulham Boys School.”

Under Standing Order 15(e) (vi), Councillor Sue Macmillan moved, seconded by Councillor Alan De'Ath, an amendment to replace the original motion as follows:

“Delete all after "This Council" and insert:

"welcomes the news that Fulham Boys School will now be opening in September 2014 and notes that the Conservative-Lib Dem Government designed free schools to be totally free of local authorities.

The Council recognises that the two weeks of uncertainty over whether the school was opening or not, after the DfE cancelled and then reinstated its funding, caused unacceptable anxiety and concern for children, parents and teachers.

The Council notes that rather than try and help that situation the borough's current and former Conservative councillors sought to spread absolutely false rumours such as the council was "blocking FBS' talks with CapCo" or that the Watermeadow Court was legally available for use as a school - despite the former administration disposing of that site on 28 March 2014. There was no substance to these and other rumours which were no more than ill-advised and dishonest political mischief making. The Council regrets that.

The Council further notes that despite the free schools legislation making it absolutely clear that it is the role of the Government's Department for Education Funding Agency to ensure that free schools can be housed, temporarily and permanently, it was actually this Council and the London Mayor who were called upon and ended up sorting this problem out demonstrating clearing flaws in the government's approach.

The Council re-affirms its commitment to work with schools of all types, including free schools and academies, to promote excellent teaching and the best outcome for the Borough's children."

The amendment was unanimously agreed and declared **CARRIED**.

Under Standing Order 15(e) (vi), Councillor Caroline Ffiske moved, seconded by Councillor Robert Largan, a further amendment to motion as follows:

"Delete all after "This Council" and replace with:

- Welcomes the wonderful news that the Fulham Boys School will be opening this September on a temporary site in the borough.
- Acknowledges the challenge of finding a permanent site for the School in Fulham.
- Commits itself to engage pro-actively with the Mayor of London, Fulham Boys School, the Education Funding Agency and all other relevant parties to ensure that a permanent home is found as soon as possible for the Fulham Boys School."

The amendment was put to the vote:

FOR	19
AGAINST	25
NOT VOTING	0

The amendment was declared **LOST**.

The substantive motion as amended was put to the vote:

FOR	25
AGAINST	19
NOT VOTING	0

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

10.09pm – **RESOLVED**:

This Council welcomes the news that Fulham Boys School will now be opening in September 2014 and notes that the Conservative-Lib Dem Government designed free schools to be totally free of local authorities.

The Council recognises that the two weeks of uncertainty over whether the school was opening or not, after the DfE cancelled and then reinstated its funding, caused unacceptable anxiety and concern for children, parents and teachers.

The Council notes that rather than try and help that situation the borough's current and former Conservative councillors sought to spread absolutely false rumours such as the council was "blocking FBS' talks with CapCo" or that the

Watermeadow Court was legally available for use as a school - despite the former administration disposing of that site on 28 March 2014. There was no substance to these and other rumours which were no more than ill-advised and dishonest political mischief making. The Council regrets that.

The Council further notes that despite the free schools legislation making it absolutely clear that it is the role of the Government's Department for Education Funding Agency to ensure that free schools can be housed, temporarily and permanently, it was actually this Council and the London Mayor who were called upon and ended up sorting this problem out demonstrating clearing flaws in the government's approach.

The Council re-affirms its commitment to work with schools of all types, including free schools and academies, to promote excellent teaching and the best outcome for the Borough's children.

## **16. INFORMATION REPORTS - TO NOTE**

### 16.1 Special Urgency Decisions - Monitoring Report

The report was noted.

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

Meeting Started: 7.00pm  
Meeting ended: 10.10pm

Mayor .....

**PUBLIC QUESTION TIME**

**LONDON BOROUGH OF HAMMERSMITH & FULHAM**

**COUNCIL MEETING – 23 JULY 2014**

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Question by: Lance Pierson

To: The Leader of the Council

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**QUESTION**

“Can the Leader of the Council summarise what he has done since becoming Leader to continue the Council’s opposition to the Thames Tideway Tunnel?”

**ANSWER**

I commissioned a report from Council Officials about the Carnwath Road site being used as a potential permanent site for the Fulham Boys School (FBS) instead of the Thames Tideway Tunnel. Hammersmith and Fulham Council has freehold interest in the Carnwath Road site.

On 9 July I met with the Rt Hon Greg Hands MP for Chelsea and Fulham, and officials from the Council and the Department of Education (DfE). I suggested to Mr Hands that we join forces to encourage the government and the London Mayor to seriously consider the Carnwath Road site as a permanent site for FBS. I suggested we make representations to the Department of Communities and Local Government (DCLG) and the DfE together. Greg Hands declined.

Later, on 9 July I met with Lord Nash the Parliamentary Under Secretary of State for Schools at the DfE, Greg Hands, DfE and Council Officials to discuss the future of FBS. I offered the Carnwath Road Site and suggested this should at least should be in the government’s considerations and open a dialogue with the DCLG and London Mayor. This was declined.

It is the Council’s view that a school at Carnwath Road would be a far more appropriate use than a tunnel excavation which would heap misery on thousands of local residents for years to come. The Government should instead use open land over the river at Barn Elms for the tunnel, which would be far less disruptive to people’s lives.

Prior to this the Council participated in a six month examination into the Thames Tideway Tunnel application which closed on 12 March 2014. The examination ran for 6 months and included hearings and allowed interested parties to make formal submissions to the Planning Inspectorate. During the six month examination, the Council gave oral evidence at 20 of the 48 formal examination hearings and made 10 formal submissions including a Local Impact Report. Each submission made to the Planning Inspectorate identified areas of concern and potential detrimental impacts on the borough, concentrating on the inappropriate selection of Carnwath Road Riverside as a main drive site and the significant impacts that would be felt by the residents and community in the South Fulham Area in terms of noise, traffic, odour and disruption for a prolonged period of time.

Following 6 months of examination, it is firmly the Council's view that Carnwath Road Riverside is not the best available site for a main tunnel drive site.

Today I met with Council officers and senior executives at Thames Water to lobby against the use of the Carnwath Road site.

I fully endorse the Council's position at the recent examination in public, robustly opposing the use of Carnwath Road. But had I been in office, greater efforts would have been made much earlier in defending Carnwath Road from the imposition of massive unjustified disruption and environmental damage despite the presence of the readily available alternative site originally put forward by Thames Water themselves at Barn Elms.

The previous Administration and the local MP were too busy attacking Thames Water and feeding a massive publicity campaign against the project as a whole to spot that they were being outflanked by politicians south of the river.

**PUBLIC QUESTION TIME**

**LONDON BOROUGH OF HAMMERSMITH & FULHAM**

**COUNCIL MEETING – 23 JULY 2014**

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Question by: Nnamdi E.S. Okoye

To: Cabinet Member for Environment, Transport and Residents Services

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**QUESTION**

“In Opposition, the Labour Party attacked the previous administration for issuing fixed penalty notices for moving traffic offences, particularly infringements into yellow box junctions. Given their opposition to these fines, will the new administration be turning those cameras off?”

**ANSWER**

“In opposition the Labour Party argued that the Conservatives had a deliberate policy of “entrapping motorists”.

The new Labour administration is reviewing the use of cameras and yellow boxes and will be taking evidence through the new policy and accountability committees (PAC).

Labour does not and has never opposed the Council's right to enforce against moving traffic offences. It just believes this should be done fairly. Dates when this goes to the relevant PAC will be announced in due course.”