

COUNCIL MINUTES

ORDINARY COUNCIL MEETING

WEDNESDAY 15 JULY 2015



PRESENT

The Mayor Councillor Mercy Umeh
Deputy Mayor Councillor Daryl Brown

Councillors:

Adronie Alford
Colin Aherne
Hannah Barlow
Andrew Brown
Joe Carlebach
Michael Cartwright
Iain Cassidy
Ben Coleman
Adam Connell
Stephen Cowan
Larry Culhane
Alan De'Ath
Charlie Dewhirst

Belinda Donovan
Sue Fennimore
Caroline Ffiske
Marcus Ginn
Steve Hamilton
Ali Hashem
Sharon Holder
Lisa Homan
Lucy Ivimy
Donald Johnson
Andrew Jones
Alex Karmel
Robert Largan

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

18. MINUTES

RESOLVED

That the minutes of the Council Meeting held on 20 May 2015 were confirmed and signed as an accurate record.

19. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Viya Nsumbu, Nick Botterill, Mike Adam, Elaine Chumnerly, and Wesley Harcourt.

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

The Mayor, on behalf of all Councillors, congratulated Councillor Greg Smith on his recent marriage.

The Mayor also congratulated Lyn Carpenter on her recent appointment as Chief Executive of Thurrock Council.

Councillor Stephen Cowan expressed his thanks to Lyn Carpenter for her service to the borough, particularly her efforts supporting the Lyric Theatre.

Councillor Greg Smith thanked Lyn Carpenter for her remarkable achievements working for the borough and wished her and her family the best.

The Council observed a minute of silence in remembrance of the victims of the recent terrorist attack in Tunisia.

21. DECLARATIONS OF INTERESTS

In respect of Item 6.1 – Review of the Constitution, Councillor Caroline Needham declared a significant interest as she was a personal friend of Ms Janice Cammel OBE, named as an Independent Person in the report. She 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 7 – Heathrow Airport Commission, Councillor Hannah Barlow declared a significant interest as her employer had a contract with Heathrow Airport. She 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.

22. PUBLIC QUESTIONS (20 MINUTES)

22.1 Public Question - Noise Disturbance

Question 1 – Anna Richmond-Dodd

7.08pm - The Mayor called on Anna Richmond-Dodd who had submitted a question to the Deputy Leader of the Council, Councillor Michael Cartwright, to ask her question. The Deputy Leader responded. Anna Richmond-Dodd asked a supplementary question which was also answered.

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

23. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

23.1 Review of the Constitution

7.23pm - 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 Vivienne Lukey, PJ Murphy, and Iain Cassidy (for the Administration) and Councillor Mark Loveday (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**.

7.35pm - RESOLVED

1. That the amendments to the Council's Constitution outlined in Appendix 1 of the report (Officer Employment Procedure Rules) be agreed.
2. That the changes to the Officers Scheme of delegation, by the Monitoring Officer under delegated powers, to reflect new legislative changes be noted.
3. That the Council amends the composition of the Joint Appointments Panel and agrees its terms of reference as follows:
 - (i) The membership of the panel will comprise three Council members from each relevant authority (to include one Cabinet member from each relevant authority) split in the ratio of administration to opposition members in each Council. The sovereignty guarantee ensures that the Council cannot be forced to accept an appointment in relation to Hammersmith and Fulham.
 - (ii) For the appointment of Chief Officers with responsibility for shared services covering more than one Council a joint panel shall be convened comprising three members from each relevant authority. Other appointments, other than at Chief Officer level, may be conducted by members where all relevant authorities agree that the appointment should be made by members.
4. That the creation of a Member Cycling and Pedestrian Champion post be approved and Councillor Iain Cassidy be appointed into this post.

24. SPECIAL MOTIONS

7.36pm - Under Standing Order 15(e) iii, Councillor Colin Aherne moved and Councillor Stephen Cowan seconded a motion that Special Motion 7 take precedence on the agenda. This was agreed.

24.1 Special Motion 7 - Heathrow Airport Commission

7.36pm - Councillor Lucy Ivimy moved, seconded by Councillor Mark Loveday, the special motion standing in their names:

"THIS COUNCIL:

1. Rejects the recommendations in the report of the Airports Commission for an extended northern runway at London Heathrow Airport.
2. Resolves to continue its campaign against additional runways at Heathrow Airport."

Speeches were made by Councillors Lucy Ivimy and Mark Loveday (for the Opposition).

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

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

... profoundly thanks Christina Smyth (Chair) Stephen Claypole, Andy Sharpe, Melanie Whitlock, Isobel Hill-Smith, Natasha Gabb and Victoria Timberlake for the thorough, evidence-based review they carried out as members of the London Borough of Hammersmith and Fulham's resident-led Heathrow Commission which was set up by the new Administration in September 2014 and which reported its findings in January 2015.

The Council supports the H&F Heathrow Commission's informed conclusion that, *"the negative impacts on the London Borough of Hammersmith & Fulham (LBHF) of expansion at Heathrow would outweigh the positive impacts"*.

The Council notes that in 2010 Prime Minister David Cameron stated: *"The third runway at Heathrow is not going ahead, no ifs, no buts"*.

The Council:

1. Rejects the recommendations in the report of the Airports Commission for any extended or additional runway at London Heathrow Airport.
2. Resolves to continue its campaign against additional runways at Heathrow Airport.
3. Calls on the Prime Minister and all members of the government to reject the proposals for another Heathrow runway and vote against such proposals should they be put forward in Parliament."

Speeches on the amendment were made by Councillors Alan De'Ath and Larry Culhane (for the Administration) and Councillor Charlie Dewhirst (for the Opposition) before it was put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

The amendment was declared **CARRIED**.

Councillor Lucy Ivimy Cowan (for the Opposition) made a speech winding up the debate. The report and recommendations were put to the vote:

FOR	Unanimous
AGAINST	0

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

7.57pm - RESOLVED

This Council profoundly thanks Christina Smyth (Chair) Stephen Claypole, Andy Sharpe, Melanie Whitlock, Isobel Hill-Smith, Natasha Gabb and Victoria Timberlake for the thorough, evidence-based review they carried out as members of the London Borough of Hammersmith and Fulham's resident-led Heathrow Commission which was set up by the new Administration in September 2014 and which reported its findings in January 2015.

The Council supports the H&F Heathrow Commission's informed conclusion that, *"the negative impacts on the London Borough of Hammersmith & Fulham (LBHF) of expansion at Heathrow would outweigh the positive impacts"*.

The Council notes that in 2010 Prime Minister David Cameron stated: *"The third runway at Heathrow is not going ahead, no ifs, no buts"*.

The Council:

1. Rejects the recommendations in the report of the Airports Commission for any extended or additional runway at London Heathrow Airport.
2. Resolves to continue its campaign against additional runways at Heathrow Airport.
3. Calls on the Prime Minister and all members of the government to reject the proposals for another Heathrow runway and vote against such proposals should they be put forward in Parliament.

24.2 Special Motion 1 - Calling On Mayor Boris Johnson To Halt Plans To Change The 424 Bus Route In Sands End

Councillor Sharon Holder moved, seconded by Councillor Larry Culhane, the special motion standing in their names:

"This Council calls on Mayor Boris Johnson (Con), the Chair of Transport for London (TfL), to halt plans to re-route the 424 bus in the Sands End area.

The Council appreciates how the current 424 bus route provides a vital service to local residents – many of them elderly, living in local sheltered housing schemes. For many it is the only means they can access shops, GP surgeries and other essential and day-to-day services that they rely on and which allows them to live full and independent lives.

The Council notes that residents' concerns about TfL's poor consultation and calls on Mayor Boris Johnson to listen to residents and the Council and safeguard this vital service."

Speeches on the Special Motion were made by Councillors Sharon Holder, Larry Culhane, and Lisa Homan (for the Administration) and Councillors Steve Hamilton,

Donald Johnson, and Robert Largan (for the Opposition) before it was put to the vote:

FOR	Unanimous
AGAINST	0
NOT VOTING	0

The motion was declared **CARRIED**.

8.22pm - RESOLVED

This Council calls on Mayor Boris Johnson (Con), the Chair of Transport for London (TfL), to halt plans to re-route the 424 bus in the Sands End area.

The Council appreciates how the current 424 bus route provides a vital service to local residents – many of them elderly, living in local sheltered housing schemes. For many it is the only means they can access shops, GP surgeries and other essential and day-to-day services that they rely on and which allows them to live full and independent lives.

The Council notes that residents' concerns about TfL's poor consultation and calls on Mayor Boris Johnson to listen to residents and the Council and safeguard this vital service.

24.3 Special Motion 2 - Supporting Disabled People To Keep Living Independently

8.23pm - Councillor Adam Connell moved, seconded by Councillor Iain Cassidy, the special motion standing in their names:

“This Council welcomes the success of the Independent Living Fund (ILF) in enabling nearly 18,000 people with high-support needs to live their lives with choice and control, rather than going into residential care or being trapped at home.

The Council regrets that on 1 July 2015, the Conservative government only confirmed funding for just one year. It notes the anxiety this has caused people in receipt of ILF and calls on the government to guarantee the necessary funding for this vital service so that disabled people can continue to live independently no matter where they live in the country.”

Speeches on the special motion were made by Councillors Adam Connell, Iain Cassidy, and Caroline Needham (for the Administration).

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

“Delete second paragraph and insert:

The Council:

1. Believes that the test of a good society is whether you look after the frail, the vulnerable, and the poorest.

2. Further believes that local government is best placed to manage and coordinate the funding for disabled people.
3. Welcomes the transfer of funds from the Government to allow local authorities to continue funding those previously receiving the Independent Living Fund, and pledges to maintain this funding for the small number of H&F residents in receipt of this support.
4. Further welcomes the NHS's increased partnership with the council through the Community Independence Service that helps keep disabled people as well as chronically ill patients healthy and in their own homes.
5. Supports the Chancellor's announcement at the budget that disability benefits will not be taxed or means tested.
6. Further supports his announcement that rents for social housing will be reduced by 1% a year for 4 years, as well as the announcement in the March Budget of £1.25 billion of additional funding for mental health services, a crucially important and often overlooked cause and component of disability."

Speeches on the amendment to the special motion were made by Councillors Andrew Brown and Marcus Ginn (for the Opposition) and by Councillors Vivienne Lukey, and Ben Coleman (for the Administration), before it was put to the vote:

FOR	17
AGAINST	23
NOT VOTING	0

The amendment was declared **LOST**.

Speeches on the substantive motion were made by Councillor Andrew Brown (for the Opposition) and by Councillors Stephen Cowan, Rory Vaughan, and PJ Murphy (for the Administration).

Councillor Adam Connell Cowan (for the Administration) made a speech winding up the debate. The substantive motion was put to the vote and a roll-call was requested:

FOR	AGAINST
AHERNE	ALFORD
BARLOW	BROWN (A)
BROWN (D)	CARLEBACH
CARTWRIGHT	DEWHIRST
CASSIDY	DONOVAN
COLEMAN	FFISKE
CONNELL	GINN
COWAN	HAMILTON
CULHANE	IVIMY
DE'ATH	JOHNSON
FENNIMORE	KARMEL
HASHEM	LARGAN
HOLDER	LAW
HOMAN	LOVEDAY

JONES
LUKEY
MACMILLAN
MURPHY
NEEDHAM
PEREZ SHEPHERD
SCHMID
VAUGHAN
VINCENT

PHIBBS
SMITH
STANTON

FOR	23
AGAINST	17
NOT VOTING	0

The motion was declared **CARRIED**.

9.12pm - RESOLVED

This Council welcomes the success of the Independent Living Fund (ILF) in enabling nearly 18,000 people with high-support needs to live their lives with choice and control, rather than going into residential care or being trapped at home.

The Council regrets that on 1 July 2015, the Conservative government only confirmed funding for just one year. It notes the anxiety this has caused people in receipt of ILF and calls on the government to guarantee the necessary funding for this vital service so that disabled people can continue to live independently no matter where they live in the country.

24.4 Special Motion 4 - Supporting Residents To Oppose Thames Water And The Government's Sewer Works Sites

Under Standing Order 15(e) iii, Councillor Mark Loveday moved and Councillor Greg Smith seconded a motion that special motion 4 be considered before special motion 3 as the guillotine was approaching. This was agreed.

21.13pm - Councillor Hannah Barlow moved, seconded by Councillor Ali Hashem, the special motion standing in their names:

“This Council calls on Thames Water and the Conservative government to listen to residents objections to many of the potential sites for the Counters Creek storm relief sewer and find better sites that do not damage neighbourhoods and blight homes.

The Council agrees to support residents to fight these proposals if Thames Water and the Conservative government do not work with the Council and borough residents to find better ways to deal with the risk of flooding in homes across the borough.”

Speeches on the special motion were made by Councillors Hannah Barlow and Ali Hashem, who delivered his maiden speech (for the Administration).

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

“Delete all (including title of Special Motion) and insert:

Special Motion No. 4 – Counter’s Creek Sewer Sites

This Council:

1. Understands that sewer flooding is a problem in our borough and brings misery and upset to those affected.
2. Notes with real concern the sites in Hammersmith & Fulham identified by Thames Water to support The Counters Creek sewer flooding alleviation scheme. These sites will cause unacceptable disruption and disturbance to residents during the works proposed.
3. Calls on Thames Water to come up with alternative sites and solutions which minimise the impact, inconvenience and financial loss to residents of Hammersmith & Fulham.
4. Calls on the Administration to publish the minutes of the meetings it has had with Thames Water and give guarantees to residents it will not agree a deal to transfer Council owned sites to Thames Water behind closed doors.
5. Resolves to use every means possible to defend the right of residents impacted by this blight wherever they live in Hammersmith & Fulham.”

Speeches on the amendment to the special motion were made by Councillors Lucy Ivimy, Steve Hamilton, Joe Carlebach, Belinda Donovan, and Caroline Ffiske (for the Opposition) and by Councillors Larry Culhane, Sue Fennimore, Lisa Homan and PJ Murphy (for the Administration), before it was put to the vote and a roll-call was requested:

FOR

ALFORD
BROWN (A)
CARLEBACH
DEWHIRST
DONOVAN
FFISKE
GINN
HAMILTON
IVIMY
JOHNSON
KARMEL
LARGAN
LAW

AGAINST

AHERNE
BARLOW
BROWN (D)
CARTWRIGHT
CASSIDY
COLEMAN
CONNELL
COWAN
CULHANE
DE’ATH
FENNIMORE
HASHEM
HOLDER

LOVEDAY
PHIBBS
SMITH
STANTON

HOMAN
JONES
LUKEY
MACMILLAN
MURPHY
NEEDHAM
PEREZ SHEPHERD
SCHMID
VAUGHAN
VINCENT

FOR	17
AGAINST	23
NOT VOTING	0

The amendment was declared **LOST**.

The substantive motion was then put to the vote:

FOR	23
AGAINST	17
NOT VOTING	0

The motion was declared **CARRIED**.

10.03pm - RESOLVED

This Council calls on Thames Water and the Conservative government to listen to residents objections to many of the potential sites for the Counters Creek storm relief sewer and find better sites that do not damage neighbourhoods and blight homes.

The Council agrees to support residents to fight these proposals if Thames Water and the Conservative government do not work with the Council and borough residents to find better ways to deal with the risk of flooding in homes across the borough.

24.5 Special Motion 3 - Greg Hands MP Appointment As Chief Secretary To The Treasury

(NOTE: as the guillotine had passed, this item was considered without discussion)

10.04pm - Councillor PJ Murphy moved, seconded by Councillor Guy Vincent, the special motion standing in their names:

“This Council congratulates Rt Hon. Greg Hands, the Member of Parliament for Chelsea and Fulham, on his appointment as Chief Secretary to the Treasury and notes his responsibility for leading on the government’s austerity programme.

The Council calls on Greg Hands MP to comprehensively and objectively review all the cuts the government is considering making to policing, local government and

other vital services to ensure important services are maintained and that the residents of this borough and the citizens of our great country are not adversely impacted by the decisions he makes.”

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

“Delete all after ‘Treasury’ and insert:

“and notes he is the first MP for the Borough to be at the Cabinet table in 45 years.

The Council calls on Greg Hands MP to continue:

- delivering the Government’s Long Term Economic Plan
- reducing the country’s deficit
- ensuring work always pays and
- growing the UK economy by the fastest rate in the G7
- delivering for the people of Hammersmith & Fulham.”

The amendment was put to the vote:

FOR	17
AGAINST	23
NOT VOTING	0

The amendment was declared **LOST**.

The substantive motion was put to the vote:

FOR	23
AGAINST	17
NOT VOTING	0

The motion was declared **CARRIED**.

10.05pm - RESOLVED

This Council congratulates Rt Hon. Greg Hands, the Member of Parliament for Chelsea and Fulham, on his appointment as Chief Secretary to the Treasury and notes his responsibility for leading on the government’s austerity programme.

The Council calls on Greg Hands MP to comprehensively and objectively review all the cuts the government is considering making to policing, local government and other vital services to ensure important services are maintained and that the residents of this borough and the citizens of our great country are not adversely impacted by the decisions he makes.

24.6 Special Motion 5 - Counter’s Creek Sewer Sites

10.06pm - This motion was withdrawn.

24.7 Special Motion 6 - Housing

10.06pm - This motion was withdrawn.

24.8 Special Motion 8 - The Golden Ticket

10.07pm - This motion was withdrawn.

Meeting started: 7.00 pm
Meeting ended: 10.08 pm

Mayor

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 15 JULY 2015

Question by: Anna Richmond-Dodd

To: The Deputy Leader

QUESTION

“The residents of Parsons Green Lane, Harbledown Road area, Purser’s Cross and Epple Road have lived alongside the Al Muntada centre for many years. Over that time, the centre’s use has grown significantly. However this has now resulted in residents experiencing extremely serious noise disturbance close to 24 hours a day, as well as other problems relating to parking and other matters.

These issues are affecting residents’ health, forcing others to move home and generally causing significant stress in an otherwise peaceful residential area. What is the council doing to address these environmental health and planning enforcement issues?”

ANSWER

Planning permission was granted for a change of use from a factory to an educational establishment in 1966. No conditions were applied to control the operation or hours of use. The change from an educational establishment to a Mosque fell within the D1 use class and did not require planning permission and therefore the Mosque operates without any conditions controlling either the hours or noise levels. It has been operating legally for nearly 50 years.

Planning permission was granted in 1990 (ref: 1990/01515/FUL) for the use of the second floor of the educational centre for short stay residential accommodation for up to a maximum of 15 people in connection with the operation of the centre as an educational establishment. I was Chair of the Planning Applications Committee at that time and I made a private visit with Councillor Gerald Wombwell then Leader of the Conservative Group to see how the mosque was operating. We recommended that the committee consider a section 106 agreement which they approved.

A further application for a link corridor at second floor level was approved in May 2015 (ref: 2015/01150/FUL). This restricted the use of the adjacent flat roof as a terrace to prevent a loss of amenity to neighbours.

Unfortunately, as the building was granted change of use without a restriction on operating times nearly 50 years ago, there is nothing that can be done from a planning perspective to control the hours the premises operates.

The Council have previously received similar complaints which increase during Ramadan (this year 18th June till 17th July) when prayers continue late into the evening. The Council's Noise and Nuisance service carried out pro-active monitoring at the end of June 2015 but were unable to hear any noise or disturbance arising from activities from within the centre. A programmed visit to Ms Richmond-Dodds (Parsons Green Lane) was undertaken at midnight on 10 July where any noise from the Centre was likely to be more audible. No statutory noise nuisance was observed and officers found the pedestrian dispersal to be well organised. The majority of people appeared to be on foot and they left quickly and quietly with no loitering. The mosque wardens were evident and would have moved on any groups that loitered.

Officers observed a large number of cars parked on the single yellow lines along Parsons Green Lane, which is permitted at that time of day. The mosque wardens were patrolling and speaking to motorists to ensure engines and vehicle lights were turned off promptly.

Officers revisited the area at 2am and 3.30am but did not observe any activity to be causing disturbance. The top floor windows facing Epple Road were found to be open during amplified prayer/service. Officers brought this to the attention of the mosque and the windows were closed. A further complaint was received that the windows were opened again but this was not witnessed by officers.

Noise and Nuisance powers relate to noise arising from premises and not activities in the street. From the monitoring carried out to date, no activities have been witnessed which would cause a statutory nuisance. Should officers witness a statutory nuisance from the noise and light at the centre, we shall work with the responsible parties to carry out necessary works.

We are conscious that this issue arises on an annual basis and in response the Noise & Nuisance team proactively work with the Mosque to ensure that appropriate control measures are put in place in advance.