

**CITY OF WESTMINSTER**  
**URGENCY COMMITTEE OF THE CABINET**  
**MINUTES OF PROCEEDINGS**

At a meeting of an Urgency Committee of the Cabinet held on Tuesday 30 September 2003 at 6.05 pm at City Hall, Victoria, SW1.

**Present:** Councillors: Kit Malthouse (Chairman), Colin Barrow, Michael Brahams

**Also Present:** Councillor Simon Stockill

**1. DECLARATIONS OF INTERESTS**

- 1.1 Councillor Colin Barrow declared an interest in item 4 (Designated Sales) insofar as he had some dealings with some of the companies referred to in the report , although not in respect of the issues before the Committee (eg the bank referred to in paragraph 3.3 of the report is a trustee of a trust of which he is a beneficiary). He confirmed that the issues before the Committee would have no impact upon him personally. This interest was not considered to be prejudicial and Councillor Barrow remained in the meeting room.

**2. MINUTES**

- 2.1 **RESOLVED:** That the Minutes of the meeting held on 18 August 2003 be signed by the Chairman as a correct record of the proceedings.

**3. EXEMPT REPORT UNDER THE LOCAL GOVERNMENT ACT 1972**

- 3.1 **RESOLVED:** That under Part 1 of Schedule 12A of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information on the grounds shown below:

Agenda Item No	Grounds	Paragraph of Part 1 of Schedule 12A of the Act
5	Legal Advice	12

**4. DESIGNATED SALES: RECOVERY OF “SURCHARGE” (Item 5 - Report of Director of Legal and Administrative Services)**

- 4.1 The report updated Members on the progress since the last Urgency Committee on 18 August.
- 4.2 The contents of the report and attachments, including a tabled note containing further financial information, were strictly confidential.
- 4.3 An amended version of the proposed public statement (Appendix 5) was tabled.
- 4.4 Members of the Committee and Councillor Simon Stockill discussed the issues and asked questions of the Director of Legal and Administrative Services and the representative of Stephenson Harwood, John Fordham who was accompanied by Anna Dilnot.
- 4.5 **RESOLVED:**
- (a) That the action taken and advice obtained to date be noted and the proposed course of action set out in the report from Stephenson Harwood attached as Appendix 1 to the report be approved.
  - (b) That the Director of Legal and Administrative Services report back to the Cabinet or the Cabinet Urgency Committee as soon as possible.
  - (c) That, in the meantime, the Director of Legal and Administrative Services be given delegated authority to take whatever action he considers appropriate to protect the City Council's interests.
  - (d) That the public statement attached as Appendix 5 (as amended) be approved for release to the press and public at a time to be agreed in consultation with the Chairman of the Committee.
  - (e) That a further supplementary revenue estimate of £500,000 be approved.

**REASONS FOR DECISIONS**

It is considered that actions set out in the report should be pursued. It is important that the Director of Legal and Administrative Services has sufficient delegated authority to respond flexibly to circumstances as they arise in order to protect the City Council's interests in pursuing the surcharge. Given that the City Council is pursuing the surcharge for the benefit of the council tax payers of Westminster, it is also appropriate that a public statement of progress should be made at an appropriate time in the near future. Further financial provision is

made for additional expenditure required pending review at the next meeting of the committee.

**5 CLOSE OF MEETING**

5.1 The meeting ended at 6.59 pm.

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Chairman

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Date