



City of Westminster

Committee Agenda

Title: **Cabinet**

Meeting Date: **Monday 11th January, 2016**

Time: **6.45 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Melvyn Caplan
Tim Mitchell
Philippa Roe (Chairman)
Heather Acton
Nickie Aiken

Daniel Astaire
Danny Chalkley
Robert Davis, MBE, DL
Rachael Robathan
Steve Summers

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Mick Steward, Head of Committee and Governance Services.

**Tel: 7641 3134; Email: msteward@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. WELCOME

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES (14.12.2015)

To approve the minutes of the meeting held on 14 December 2015

4. EXEMPT REPORTS UNDER THE LOCAL GOVERNMENT ACT 1972

RECOMMENDED: That under Section 100 (A) (4) and Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following item(s) of business because they involve the likely disclosure of exempt information on the grounds shown below and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

<u>Item No</u>	<u>Grounds</u>	<u>Para. of Part 1 of Schedule 12A of the Act</u>
5	Information relating to the financial and business affairs of an individual including the authority holding the information and legal advice	3

(Pages 1 - 8)

5. THE COUNCIL'S APPROACH TO TENANTS RIGHTS TO LIGHT: USE OF WESTMINSTER CITY COUNCIL'S POWERS TO OVERRIDE RIGHTS TO LIGHT TO FACILITATE THE DEVELOPMENT OF LAND TO FACILITATE AN EDUCATION FACILITY AND RESIDENTIAL DEVELOPMENT ON THE SITE AT SUTHERLAND STREET

Report of the Executive Director Growth, Planning and Housing.

(Pages 9 - 46)

Charlie Parker
Chief Executive
8 January 2016

This page is intentionally left blank



CITY OF WESTMINSTER

MINUTES

Cabinet

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Cabinet** held on **Monday 14th December, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Philippa Roe (Chairman), Heather Acton, Melvyn Caplan, Danny Chalkley, Tim Mitchell, Rachael Robathan and Steve Summers

Apologies for Absence: Councillors Nickie Aiken, Daniel Astaire and Robert Davis MBE DL

1 WELCOME

Councillor Philippa Roe (Leader of the Council) welcomed those present. Apologies for absence were received from Councillors Nickie Aiken, Daniel Astaire and Robert Davis.

2 DECLARATIONS OF INTEREST

2.1 Councillor Danny Chalkley declared an interest in Item 7 as a Trustee of the Sir Simon Milton Foundation and withdrew from the meeting for the consideration of that item.

3 MINUTES (29.6.15)

3.1 The Leader, with the consent of the Members present, signed the minutes of the meeting held on 29 June 2015 as a true and correct record of the proceedings.

4 HOUSING INVESTMENT STRATEGY AND HOUSING REVENUE ACCOUNT BUSINESS PLAN 2016/17 (SEE REPORT OF THE DIRECTOR OF HOUSING)

4.1 Following an introduction by the Director of Housing, it was:

Resolved:

- (i) That approval be given to the indicative HRA major works capital programme budgets for 2016/17 to 2020/21 set out in Appendix B of the report;
- (ii) That approval be given to the indicative Housing Renewal Investment Programme budgets for 2016/17 to 2020/21 and to approve the revised renewal budgets for 2015/16 set out in Appendix B of the report;
- (iii) That approval be given to the indicative housing non-delegated programme budgets for 2016/17 to 2020/21 as set out in Appendix B of the report;
- (iv) That the proposed allocations from the Council's Affordable Housing Fund to new supply programmes be noted;
- (v) That the wide-ranging benefits to be delivered through the proposed housing investment programmes be noted.

Reasons for Decision

Adoption of the plans outlined in this report will enable the Council to invest in maintaining and improving the existing stock of homes and neighbourhoods within its management while also delivering wider benefits to the City's residents and businesses. The financial plan will ensure the housing stock continues to meet the housing needs with which the city is faced; and ensure the Housing Revenue Account remains sustainable and viable over the long term.

5 COUNCIL TAX DISCOUNTS (INCLUDING COUNCIL TAX LOCAL REDUCTION SCHEME) AND COUNCIL TAX BASE REPORT (SEE REPORT OF THE CITY TREASURER)

5.1 Following an introduction by the City Treasurer, it was:

Resolved:

- (i) That the Council be recommended to approve the following recommendations for the financial year 2016/17:
 - (i) that the Council Tax discount for second homes remains at 0%;
 - (ii) the Council Tax discounts for empty properties including the discounts that replaced the previous Class A and C Council Tax exemptions, remain at 0%;
 - (i) that a Long Term Empty Property Premium is not introduced
 - (iv) that no new categories of "local" discounts be introduced at this stage
 - (v) that the decision to determine any individual local discount applications from vulnerable Council Taxpayers received during the course of the 2016/17 financial year under section 13A(1)(c) of the Local Government Finance Act 1992 be delegated to the Head of Revenues & Benefits.

- (ii) That the Council be recommended to approve the same Council Tax Reduction Scheme for 2016/17 which has operated successfully since 2013/14. The scheme is based on the Default Scheme Regulations but with War Disabled Pensions, War Widow, Pensions and Armed Forces Compensation scheme payments disregarded in full when calculating a claimant's income.
- (iii) That the Council be recommended to resolve that the Council Tax Base for 2016/17 for the Whole City is 125181.13 equivalent Band D properties, for Montpelier Square alone 95.04 equivalent Band D properties and for Queens Park 3269.17 equivalent Band D properties.
- (iv) That the Council be recommended to resolve that the figures set out in paragraph 2.3 above for the Council Tax Base for 2016/17 be used by the Council to make a determination pursuant to the requirements of the Local Government Finance Act 1992.

Reason for Decision

The tax base decision is sought in order that the Council complies with the requirements of the Local Government Finance Act 1992.

The retention of the same levels of Council Tax discount, for empty properties and second homes will continue to deliver additional Council Tax income for the Council without disadvantaging any vulnerable members of the community.

The proposal not to create any categories of local discounts at this stage is based on the fact that to date no submissions have been received. The recommendation to allow the Head of Revenues and Benefits to continue to determine any individual local discount claims will enable assistance to be given to individual vulnerable Council Taxpayers if required, especially as there is no longer the ability for taxpayers to claim Discretionary Housing Payments (DHP) in relation to their Council Tax liability.

The Council's proposed Council Tax Reduction Scheme will ensure that the government's 10% funding cut is not passed on to the borough's working age claimants.

The recommendation not to introduce the Long Term Empty Property Premium is proposed on the basis that

- the owners of empty properties consume low levels of Council services
- the introduction of a Premium in Westminster will not influence how an owner of a long term empty property utilises the property.
- the level of potential additional income is relatively small and could be offset by additional administration costs.

6 TREASURY MANAGEMENT STRATEGY - MID YEAR REVIEW (SEE REPORT OF THE CITY TREASURER)

6.1 Following an introduction by the City Treasurer it was

Resolved:

That Cabinet:

- (i) Note the treasury position at 30th September 2015.
- (ii) Approve the inclusion of Bonds within the category of UK deposits and Certificates of Deposit, and
- (iii) Recommend the Council accordingly.

Reason for Decision:

This report presents the Council's Half Year Treasury Report for 2015/16 in accordance with the Council's treasury management practices. It is a regulatory requirement for this Half Year report to be presented to Cabinet and Full Council.

7 USE OF WESTMINSTER CITY COUNCIL'S POWERS TO OVERRIDE RIGHTS TO LIGHT TO FACILITATE THE DEVELOPMENT OF LAND TO FACILITATE AN EDUCATION FACILITY AND RESIDENTIAL DEVELOPMENT ON THE SITE AT SUTHERLAND STREET (SEE REPORT OF THE HEAD OF DEVELOPMENT, GROWTH, PLANNING AND HOUSING)

7.1 Members of the Cabinet indicated that they only had questions or which to receive advice from the Head of Major Projects relating to the exempt elements of the report. Accordingly, it was

Resolved:

That under Section 100 (A) (4) and Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) the public and press be excluded from the meeting for consideration of this item of business because it involves the likely disclosure of exempt information on the grounds shown below and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

Grounds

Information relating to the financial and business affairs of an individual including the authority holding the information and Legal advice.

- 7.2 Cabinet Members asked several questions relating to the valuation process and legal position regarding compensation payments to tenants as these had not been considered previously and how these differed from other injured parties for example property owners.
- 7.3 Cabinet Members were concerned that any compensation payments should be based on a robust formula which was fair to all types of parties. The Cabinet was advised that it was open in cases of dispute for injured parties to appeal to the valuation tribunal, which gave a form of mediation.
- 7.4 The Cabinet wished to consider policy options setting out a process for agreeing compensation payments for tenants in view of the precedent being set by the decisions sought particularly as there was no industry standard for tenants on which to base its decision. The proposed policy to be submitted with confirmation that it is in line with legal advice and with clear financial implications and anything else which may impact on the determination.

Resolved:

That a further report addressing the issues raised be submitted to a special meeting of the Cabinet to be held on Monday 11 January 2016.

8 PROPOSED COMPULSORY PURCHASE ORDER FOR THE EBURY BRIDGE ESTATE, EBURY BRIDGE ROAD (SEE REPORT OF THE HEAD OF DEVELOPMENT, GROWTH, PLANNING AND HOUSING)

The Leader varied the order of the Agenda so that this item was considered in Part 1 (Public) part of the meeting.

Resolved:

- (i) That Appendices G, H1, H2 and I to the report be exempt from disclosure by virtue of the Local Government Act 1972, Schedule 12A, Part 1, paragraph 3 (as amended) in that these documents contain information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (ii) That the Cabinet agree to the making of a Compulsory Purchase Order under s.226(1)(a), s.227 of the Town and Country Planning Act 1990 (as amended), s.13 and s.15 of the Local Government (Miscellaneous Provisions) Act 1976 in accordance with the procedures in the Acquisition of Land Act 1981 and to create new rights facilitating the development (and refurbishment of part) of the Ebury Bridge Estate, as defined by the CPO redline plan (see Appendix A) and other relevant powers to acquire all outstanding land and interests within the redline plan of the site. The Cabinet noted that the redline plan is indicative at this stage pending further due diligence.
- (iii) That the Cabinet delegate power to the Executive Director of Growth, Planning and Housing authority in consultation with the Director of Law to approve the Statement of Reasons, the Order Map (the attached plan is indicative only pending further due diligence) and Order Schedule and any

other supporting documentation as is necessary to finalise before submission, to commence the CPO process and effect any other procedural requirements including (but not limited to) the publication and service of all notices and the presentation of the Council's case in the event of a Public Inquiry.

- (iv) That the Cabinet delegate power to the Executive Director of Growth, Planning and Housing authority to acquire any interests in land within the Order area by agreement and the making of payments equivalent to statutory compensation or additional payments as are deemed reasonable in the circumstances and the provision of property or services in lieu of compensation in consultation with the Director of Law, in contemplation of the Order being made.
- (v) That the Cabinet delegate power to the Executive Director of Growth, Planning and Housing working with the Director of Law in consultation with the Cabinet Members to ensure that if the CPO is confirmed it is implemented and to take all necessary steps to implement these recommendations finalising the terms of the proposed arrangements in accordance with the terms set out in this report.
- (vi) That if the CPO is confirmed power is delegated to the Executive Director of Growth, Planning and Housing to settle the compensation amounts payable to acquire such interests where voluntary agreement cannot be reached.
- (vii) That the Cabinet authorise officers to take all the necessary steps to implement these recommendations.

Reasons for Decision

1. The Estate is one of five priority housing estates identified in the City Council's Housing Renewal Strategy 2010, noted as being in need of improvement and significant investment over the next five years.
2. There is a compelling case in the public interest to proceed with a CPO to allow the redevelopment of the Estate to proceed.
3. Redevelopment of the Estate will significantly improve the area in a manner consistent with the Council's resolution to grant planning permission dated 10th June 2014 and with the adopted planning framework for the borough.

9 EXCLUSION OF PRESS AND PUBLIC

Resolved:

That under Section 100 (A) (4) and Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following item(s) of business because they involve the likely disclosure of exempt information on the grounds shown below and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

Grounds

Information relating to the financial and business affairs of an individual including the Authority holding the Information and legal advice

10 APPROPRIATION OF WESTMINSTER LANDS AT DUDLEY HOUSE, NORTH WHARF ROAD AND 139-147 (ODD) HARROW ROAD, LONDON, W2 (REPORT OF THE EXECUTIVE DIRECTOR GROWTH, PLANNING AND HOUSING)

Resolved:

1. That this report and other background papers to this report be exempt from disclosure by virtue of the Local Government Act 1972 Schedule 12A, Part 1, as amended, in that they contain information relating to the financial or business affairs of Westminster City Council.
2. That the Cabinet agree to delegate authority to the City Treasurer and Director of Housing, in consultation with the Tri-borough Director of Law, subject to the necessary legal procedures and justification to appropriate to planning purposes the land edged red on the attached plan subject to the Secretary of State Consent being obtained as this is housing land. The land includes the following:

2.2.1 Dudley House, North Wharf Road, Paddington, W2

2.2.2 Nos 139-147 (odd) Harrow Road, London, W2

Reason for Decision:

The site is surplus to requirements under Part 2 of the Housing Act 1985. The site will be appropriated to Planning Purposes (General Fund) for use as intermediate housing and a free school.

The Meeting ended at 7.41 pm

CHAIRMAN: _____

DATE _____

This page is intentionally left blank

Agenda Item 5

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank