

## **PRESENT**

### **Members of the Committee**

Councillor Sam Mackover (Chairman)  
Councillor David Nicholls (Vice-Chairman)  
Councillor Judith Blakeman  
Councillor David Campion  
Councillor Matthew Palmer  
Councillor Will Pascall  
Councillor Monica Press  
Councillor Taylor-Smith

### **Others in Attendance**

Councillor Rock Feilding-Mellen (Deputy Leader and Cabinet Member for  
Housing, Property and Regeneration)  
Yvonne Birch (TMO)  
Richard Egan (Director for Corporate Property)  
Preeti Gulati (Senior Planning Policy Officer)  
Amanda Johnson (Head of Housing Commissioning)  
Laura Johnson (Director of Housing)  
Rob Krzyszowski (Team Leader - Planning Policy)  
Peter Maddison (TMO)  
Barbara Matthews (Executive Director of Financial Services and ICT, TMO)  
Steve Mellor (Group Finance Manager)  
Kitty Mortimer (Housing Regeneration Project Manager)  
Robert Shaw (Housing Options Manager)  
Adam Srodzinski (Head of Capital Projects)  
Jon Wade (Head of Forward Planning)  
Anne Wright (Governance Services)

### **A1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Allison, Condon-Simmonds  
and Lomas.

### **A2. MEMBERS' DECLARATIONS OF INTEREST**

Cllr Blakeman declared that she was a Member of the TMO Board.  
Cllr Press declared she was a TMO leaseholder and a Trustee of the  
Westway Trust. She said that she had a pecuniary interest in report

A15. and would not be speaking on this item. Cllr Pascall declared that he was a governor for Marlborough School.

Cllr Blakeman queried if Cllr Feilding-Mellen had a conflict of interest in relation to the appointment of the ADAM Architecture led design team as architects/sub-consultants for the redevelopment options associated with the Barlby/Treverton Regeneration project. Cllr Feilding-Mellen confirmed that he had no conflict of interest in this regard.

### **A3. MINUTES OF THE ORDINARY MEETING HELD ON 14 SEPTEMBER 2016**

Cllr Press requested one amendment to the minutes on page 2 where she requested the word 'control' (third line from the bottom of the page) be amended to 'more active engagement with'.

The Minutes of the meeting held on 14 September were then confirmed as a correct record and were signed by the Chairman.

#### **Matters arising**

The Committee discussed the joint Working Group with PRSC on the impact of short term lettings. It was noted that Cllr Spalding would be chairing the Working Group. Cllrs Blakeman, Campion and Press volunteered to join the Group.

The Chairman said the Committee would look at reviewing how S106 money was spent in the course of the Committee's annual work programme.

### **A4. FINANCIAL VIABILITY WORKING GROUP REPORT**

The Chairman thanked Cllr Berrill-Cox for his Chairmanship of the Group and the officers involved for all their work. He drew the Committee's attention to page 48 of the report and explained that the main thrust of the conclusions was that prices achieved for units sold in developments were higher than indicated in the viability studies but it was unknown if the building costs had been higher than predicted. He said that there was good wording in the Local Plan Partial Review about how review mechanisms can be brought in and commented that this had been observed at the Planning Applications Committee the previous night.

Ms Gulati outlined what had been looked at by BNP Paribas including starter homes and that they had indicated review mechanisms could be used although there may be initial reluctance from developers.

Review mechanisms would be most appropriate when developments were larger scale and achieving super-profit range.

Cllr Press thanked officers for all their hard work and suggested that a small executive summary be produced that set out the options and recommendations up front. She proposed that there may be a stage 2 of the Working Group to look at starter homes and other uses for the Coco. The Chairman said that he did not think the Working Group needed to be reconvened but the Committee should be kept informed of outcomes.

Mr Krzyszowski confirmed that the work done by the Group and any outcomes were being fed into the Local Plan Partial Review and the preferred approach is the existing use value approach as opposed to a market value approach.

#### **A5. LOCAL PLAN PARTIAL REVIEW – DRAFT POLICIES CONSULTATION**

The Chairman reminded that Committee that there was a special meeting of the Public Realm Scrutiny Committee on 29 November at 6.30pm to discuss the Local Plan Partial Review and members of the HPSC were invited to attend. He explained that the Housing sections should be the focus for that night.

Cllr Press confirmed the Labour Group would be making a formal submission. She asked about the Council's stance on starter homes policy. Mr Krzyszowski confirmed that the Council was opposing the principle and practice of starter homes but it had to be included in the Local Plan otherwise the Planning Inspectorate would be likely to insert it in any event, should it remain national government policy. He said that more information was expected to be known following the Government's Autumn Statement and pending Housing and Planning White Paper. It was noted that the 20% starter homes requirement had not yet been confirmed by Government. Cllr Press also asked about the level of affordable rental housing where there seems to be a gap in provision in the Borough. Mr Krzyszowski said that intermediate rental sector was a newer product and it would take some time to establish itself and that there was a demonstrable need for intermediate rent as set out in the Strategic Housing Market Assessment (SHMA).

In response to the classification of AirBnb, Mr Wade confirmed that it was classified as temporary sleeping accommodation and not a type of rental accommodation. Cllr Pascall highlighted buy-to-leave properties as a continuing issue.

The Chairman invited the Committee to email him with any further comments on the Local Plan Partial Review if they were unable to attend the special meeting on 29 November 2016.

## **A6. CABINET MEMBER'S REPORT**

Cllr Feilding-Mellen invited questions from the Committee.

### **Fox Primary School**

The Committee discussed the problems with the corroded window lintels at Fox Primary school as set out at paragraph 2.14. Cllr Feilding-Mellen explained that there had not been fully intrusive surveys conducted on every window as this would have been very disruptive to the school. He said that there were ongoing legal negotiations in this regard and he could not provide any details at this stage in relation to any cost increase.

### **Works to Trellick Tower**

Cllr Palmer referred to paragraph 3.3 and queried if the Council was getting value for money in relation to the Trellick Tower works. He asked if he could see the costings and paperwork in relation to the works and Ms Johnson said she would be in touch with Mr Black in this regard.

**Action:** Ms Johnson

Cllr Press referred to paragraph 3.7 and asked about the programme for issuing S 20 Notices to leaseholders and queried the length of time allowed for these and whether it was sufficient for important negotiations to take place. Officers confirmed that under the framework agreement only one 30-day set consultation was necessary, not a 60-day one.

### **New housing for older people**

Cllr Blakeman referred to paragraph 3.1 and asked which properties were being considered, she mentioned Runcorn Place, Hesketh House and Burgess House. Ms Johnson agreed to bring back more detail on this when available.

**Action:** Ms Johnson

### **1-9 St Marks Road, Canalside House and 5-6 Acklam Road**

Cllr Press asked for further detail on the plans for the three sites and Cllr Feilding-Mellen explained that Cabinet had agreed that a team of experts would be procured to explore options across the three sites

and they were only at the first pre-application stage of the process and he would update the Committee as things progressed.

**Action:** Cllr Feilding-Mellen

### **Former Kensington and Chelsea College (KCC) site on Wornington Road**

Cllr Press asked why using the Coco had not been considered for the development of this site and Cllr Feilding-Mellen explained that direct delivery had not been recommend and the primary purpose of this development was to generate income for the Council.

### **CORPORATE PROPERTY**

#### **A7. CONSULTATION WITH WARD MEMBERS DURING CORPORATE PROPERTY'S DECISION-MAKING PROCESS**

The Committee congratulated Mr Egan on his formal appointment as Director for Corporate Property and he provided a brief resume of his experience in the Public and Private sectors.

Cllr Press welcomed the report but asked for clearer advice on when Members would receive key decision reports in order to comment on them. She said it was crucial Members were able to view reports and not just summaries. Mr Egan said that they were going over and above what was required to ensure transparency and Members were notified of all upcoming key decisions through the Forward Plan and Governance already had a process in place for reports to be sent to Members.

The Chairman said that the Committee would try the new system as set out in the report and monitor if any further adjustments needed to be made once it had been tested. He noted that he had asked the Scrutiny Manager to give a presentation on 'Effective Scrutiny' at the next Scrutiny Committee in January.

#### **A8. KENSINGTON LEISURE CENTRE – UPDATE ON THE DEFECT REMEDIATION**

The Chairman said that there was much dissatisfaction regarding the defects at the leisure centre and the Committee discussed how lessons could be learned to try and avoid similar problems in future.

Mr Srodzinski explained that the Council needed to be fair and compliant regarding tendering rules which would not exclude any company from the process. He said that using managed



frameworks would assist in being better informed about a company's track record.

Cllr Pascall asked if the problems were related to design or just poor workmanship. Mr Srodzinski explained that at the point of novation the contractor had taken on full design responsibility and it had been their undertaking to provide the detailed design. He said that the Council's shadow design team would have looked at it but ultimately the responsibility lay with the contractor.

The Chairman asked that Corporate Property prepare a paper for the Committee setting out the steps being taken to ensure lessons are learned when these larger projects encounter problems and how best the Committee can participate in the scrutiny of large build projects. Mr Egan confirmed he was also preparing a paper for the Committee on doing projects in changing economic circumstances and how the Council reacts to these conditions.

**Action:** Mr Egan

#### **A9. NEW NORTH KENSINGTON LIBRARY PROJECT**

Cllr Blakeman referred to paragraph 1.4 and queried why so much of the project work had been delegated to the Mace Group. Mr Srodzinski explained the pre-contractor stage and how under the managed framework a number of options for an architect and design team are presented to the Council before a decision is taken. Cllr Press expressed dissatisfaction about the non-involvement of local Councillors, users and residents in the early stages of the consultation and why that had not been considered key stakeholders. She asked for a copy of the initial advice report regarding 3<sup>rd</sup> party lettings.

**Action:** Mr Egan

Cllr Palmer queried why no basement had been proposed and Mr Egan confirmed that this option had been explored and considered but it was found that the inclusion of a basement would not add value in this case.

#### **A10. DISPOSAL OF DENYER STREET SWEEPERS DEPOT (KEY DECISION)**

The report was noted and discussed under Part B, Agenda Item B1.

#### **A11. PRE-LET OF 50A & B SLOANE AVENUE (KEY DECISION)**

The report was noted and discussed under Part B, Agenda Item B2.

## **HOUSING**

### **A12. LIVE ISSUES REPORT BY THE DIRECTOR OF HOUSING**

Ms Johnson provided an update on the Homelessness Reduction Bill and said that the Council welcomed some elements of the Bill but other parts were of great concern to them. She confirmed that the Housing Department would be lobbying on certain points, including the inclusion of further appeals and the cost of those. They were meeting with the DCLG the following day and would update the Committee in the new year on these issues.

### **A13. ANNUAL LETTINGS PAPER 2015/16**

Ms Johnson introduced the paper and Mr Shaw explained how the Local Housing Allowance cap structure operated.

The Chairman asked for a list of key housing officers to be produced and circulated to the Committee.

**Action:** Ms Johnson

### **A14. UPDATE ON THE DELIVERY ROUTE FOR THE EDENHAM WAY SITE DEVELOPMENT**

The Committee had a lengthy discussion about possible delivery options, including direct delivery, appropriate for this site should development be agreed.

It was noted that should delivery be agreed and proceed with a development partner, it was anticipated that a recommendation would be brought to Cabinet in the summer of 2017.

### **A15. ASSET MANAGEMENT – WHETHER TO REPLACE OR REPAIR COMPONENTS WITHIN THE HOUSING STOCK**

Mr Maddison introduced the report and highlighted the issue of repair-only leases in relation to lifts and windows. He explained the TMO was looking to draft new leases to remove the 'repair only' clause which were unique to the TMO. He explained that the TMO wanted to bring leases up to date, also including clauses in relation to sub-letting.

The Chairman commented that the repair-only clause was unhelpful when looking at big renewals but existing leases could not be retrospectively changed so renewal issues would need to be addressed on a case by case basis.

Cllr Pascall raised the possibility of using sinking funds to finance repair and renewal works. Ms Johnson explained that the use of sinking funds was an extremely complicated accountancy procedure and a significant number of leaseholders did not want to have sinking funds. The Council offered generous repayment options which were more attractive to the majority of lease holders.

The Committee discussed the scenarios where leases could possibly be amended to remove the 'repair only' clause, for example when a lease was renewed, assigned or extended. The Chairman said that changes in this area were a necessity and some urgency should be injected into the issue.

#### **A16. MID-YEAR REVIEW ON TMO PERFORMANCE AGREEMENT 2016/17**

Ms Johnson confirmed that there had been some considerable improvements over the past 6 months. Cllr Pascall asked about the TMO's knowledge of all their stock and said that greater knowledge would help to better understand the any repair work required. Mr Maddison said there had been progress in collecting data and the TMO was up to approximately 60% of internal stock.

#### **A17. HOMELESSNESS PREVENTION IN RBKC**

Due to time constraints, this report was deferred until 2017.

#### **A18. DRAFT TENANT DECANT POLICY**

Cllr Press asked about a leaseholder decant policy and Ms Johnson said that her department were drafting one and taking legal advice on it. She said the earliest it would be put before the Committee was March 2017.

The Committee discussed different elements of the policy including how overcrowding was dealt with and how the Council and TMO engages with tenants. Cllr Blakeman queried the appeals process for tenants and asked if their rights had been limited in this policy, specifically in relation to taking matters to the ombudsman. Mr Shaw said there would now be more definitive timeframes for any appeal to Council but no rights were being curtailed and he would make this clearer in the policy.

**Action:** Mr Shaw

Cllr Feilding-Mellen said that the policy was not entirely new but had been updated and improved and made clear for tenants. Ms



Johnson confirmed that there would not be a full consultation on this revised policy but they would welcome any further comments in writing from the Committee.

#### **A19. TEMPORARY ACCOMMODATION PROCUREMENT STRATEGY**

Ms A Johnson explained the challenges facing the Council in delivering a sufficient and sustainable supply of good quality Temporary Accommodation. She said that due to the limited supply of TA housing in the borough, the Council has procured outside of the Borough and this would become increasingly difficult due to a number of factors as set out in the report.

#### **A20. MISCELLANEOUS MATTERS**

A list of possible site visits was circulated to the Committee and Members should contact the clerk or officers to provide their choice of visits.

**Action:** The Clerk

In relation to the Forward Plan, the Chairman confirmed that he had full control of the diamond-ratings for KDs relating to the HPSC.

#### **A21. OTHER URGENT ORAL OR WRITTEN ITEMS WHICH THE CHAIRMAN**

There were none.

The meeting ended at 9.45pm

Chairman