

# Cabinet

## Minutes



**Monday 15 May 2023**

*NOTE: This meeting was held remotely. A recording of the meeting can be watched at on YouTube at: <https://www.youtube.com/watch?v=zi45LAfdILk>*

### **PRESENT**

Councillor Stephen Cowan, Leader of the Council  
Councillor Ben Coleman, Deputy Leader  
Councillor Wesley Harcourt, Cabinet Member for Climate Change and Ecology  
Councillor Andrew Jones, Cabinet Member for The Economy  
Councillor Sharon Holder, Cabinet Member for Public Realm  
Councillor Rebecca Harvey, Cabinet Member for Social Inclusion and Community Safety  
Councillor Bora Kwon, Cabinet Member for Civic Renewal  
Councillor Rowan Ree, Cabinet Member for Finance and Reform  
Councillor Alex Sanderson, Cabinet Member for Children and Education  
Councillor Frances Umeh, Cabinet Member for Housing and Homelessness

### **ALSO PRESENT**

Councillor Adronie Alford

### **ALSO PRESENT VIRTUALLY**

Councillor Patricia Quigley

## **1. MINUTES OF THE CABINET MEETING HELD ON 17 APRIL 2023**

### **RESOLVED:**

That the minutes of the meeting of the Cabinet held on 17 April 2023 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

## **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **3. DECLARATION OF INTERESTS**

There were no declarations of interest.

### **4. COMMUNITY EQUIPMENT AND ASSISTIVE TECHNOLOGY CONTRACT**

Councillor Ben Coleman introduced the report seeking to approve the decision to remain with London Consortium Community Equipment Framework. The consortium created a framework for London based Social Care and Health Services to buy community equipment. The framework reached an end and the consortium went through a procurement for a new provider (NRS) to supply community equipment. The report recommended to stay with the consortium for another 5+2 years.

#### **AGREED UNANIMOUSLY BY THE CABINET MEMBERS:**

1. To approve the decision to remain with London Consortium Community Equipment Framework, managed by RBKC and WCC who have awarded the NRS contract for 5+2 years.
2. To enter into a 'Call-off' agreement from the 1 April 2023 to 31 March 2028 with a potential extension for 2 years from the above-mentioned framework to appoint NRS as the Council's supplier of Community Equipment, Assistive Technology and Minor Adaptations.
3. To approve the £13,723,200 as the total value for seven years

#### **Reason for decision:**

As set out in the report.

#### **Alternative options considered and rejected:**

As outlined in the report.

#### **Record of any conflict of interest:**

None.

#### **Note of dispensation in respect of any declared conflict of interest:**

None.

### **5. PROCUREMENT STRATEGY - CONTRACT FOR UNATTENDED CCTV CAMERA SYSTEM**

Councillor Sharon Holder introduced the report setting out the procurement strategy for Unattended CCTV goods and services.

Councillor Adronie Alford voiced her concerns in relation to unattended CCTV surveillance invading residents' privacy and targeting motorists.

The Leader agreed that privacy was important, however, CCTV system was a necessary means to protect residents from acts of organised crime, terrorism and anti-social behaviour and helped identifying criminals. It was important to achieve a balance between privacy and safety.

**AGREED UNANIMOUSLY BY THE CABINET MEMBERS:**

1. To approve the procurement of a framework contract for an unattended CCTV camera system set out in this strategy.
2. To note that the contract will be for 4 years, and the annual tender value will range from £0 to £15 million per participating Borough.

**Reason for decision:**

As set out in the report.

**Alternative options considered and rejected:**

As outlined in the report.

**Record of any conflict of interest:**

None.

**Note of dispensation in respect of any declared conflict of interest:**

None.

**6. FARM LANE - NEW COUNCIL DEVELOPMENT**

Councillor Andrew Jones introduced the report seeking approval for a further capital budget, and the procurement strategy for the principal construction contractor to enable the successful delivery of the development from the construction phase to practical completion. The scheme would redevelop the vacant brownfield site to provide 31 new homes of which 16 (52%) would be affordable homes. The development would be built to Passivhaus certified standards, reducing onsite carbon emissions by 80% and delivering substantial energy savings to new residents.

Councillor Jones added that the Council's ambition was to maximise affordable housing across its development programme therefore, it would be looking in the future to increase its proportion to above 52%.

The Leader commended the report and praised Councillor Jones for the scheme proposal.

**AGREED UNANIMOUSLY BY THE CABINET MEMBERS:**

That Cabinet:

1. Notes that Appendix 1 is not for publication on the basis that it contains information relating to the financial or business affairs of any particular

person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).

2. Approves a total Development capital budget, including contingencies, of £18,807,236 of which £1,569,947 has already been approved to deliver the proposed new homes to be funded through a combination of HRA borrowing, Right to Buy receipts and capital receipts from private sales as set out in exempt Appendix 1.
3. Authorises the Strategic Head of Regeneration and Development to take decisions on expenditure against the above budget subject to the continued viability of the Development.
4. Approves the Procurement Strategy, as set out in Appendix 2, to procure a principal construction contractor, using a JCT standard form of building contract, on a design and build basis, for the Development, via the open Find a Tender Service (FTS) procurement route.
5. Delegates authority to the Strategic Director for the Economy in consultation with the Assistant Director of Legal Services, to take any necessary steps to resolve matters arising from the grant of planning permission, including the authority to enter into any associated legal agreements arising from the delivery of the development and enabling deeds and agreements with statutory utility providers and third parties including the surrender and re-grant of a lease on existing sub-station, highways agreements, the stopping up or diversion of footpaths necessary to enable the Development to be carried out pursuant to section 257 of the Town and Country Planning Act 1990 and consider and decide any necessary appropriation to expedite and secure the best use of the land.
6. Confirms that the Site comprising a vacant three storey building, together with outbuildings which is currently held in the General Fund is no longer required for the current purpose for the reasons specified in paragraph 4 and 5 of the 'Detailed Analysis' section of this report.
7. Approves the appropriation of this Site for planning purposes pursuant to section 122 of the Local Government Act 1972 as it will facilitate the carrying out of redevelopment in relation to the land pursuant to section 226(1)(a) of the Town and Country Planning Act 1990).
8. Delegates authority to the Strategic Director for the Economy, in consultation with the Assist Director of Legal Services, to carry out such steps as are necessary to effect the appropriation of the Site for planning purposes under section 122 of the Local Government Act 1972 and subsequently engage the powers under Section 203 of the Housing and Planning Act 2016 in order to authorise any interference with easements, covenants and other rights in respect of the Site including authorisation to take all necessary steps required in relation to any associated claims, settlements relating to compensation under section 204 of the Housing

and Planning Act 2016 and other legal agreements so as to enable the Development of the Site.

9. Notes the responses to consultation undertaken by the Council in relation to the Development.

**Reason for decision:**

As set out in the report.

**Alternative options considered and rejected:**

As outlined in the report.

**Record of any conflict of interest:**

None.

**Note of dispensation in respect of any declared conflict of interest:**

None.

## **7. LILLIE ROAD - NEW COUNCIL DEVELOPMENT**

Councillor Andrew Jones introduced the report seeking approval for a capital budget, the procurement strategy for the principal construction contractor and the appropriation of the Site for planning purposes for its redevelopment. The proposed scheme would see the redevelopment of the Site, which currently included the West Kensington Tenants & Residents (TRA) Hall and a disused former Nursery. The development would provide 42 new homes, 21 (50%) affordable, and a replacement TRA Hall. The sustainability of the scheme had been maximised; designed to be built to Passivhaus certified standards, reducing onsite carbon emissions by 71% and delivering substantial energy savings to new residents.

As per the Farm Lane report, Councillor Jones added that the Council's ambition was to maximise affordable housing across its development programme therefore, it would be looking in the future to increase its proportion.

Councillor Adronie Alford stated that she was happy with the scheme but had concerns about the heat pumps due to bad reviews from residents. It was important to ensure they worked properly.

The Leader acknowledged that heat pumps were a new technology and therefore the Council would be monitoring them closely to ensure good performance and reliability.

The Leader commended the report and praised Matt Rumble, Strategic Head of Regeneration & Development, for his excellent work on this scheme.

## **AGREED UNANIMOUSLY BY THE CABINET MEMBERS:**

That Cabinet:

1. Notes that Appendix 1 is not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
2. Approves a total Development capital budget, including contingencies, of £25,218,839 of which £1,802,000 has already been approved, to deliver the proposed new homes and to be funded through a combination of HRA borrowing, Right to Buy receipts and capital receipts from private sales as set out in exempt Appendix 1.
3. Authorises the Strategic Head of Regeneration and Development to take decisions on expenditure against this contingency budget subject to the continued viability of the development.
4. Approves the Procurement Strategy, as set out in Appendix 2, to procure a principal construction contractor, using a JCT standard form of building contract, on a design and build basis via the open Find a Tender Service (FTS) procurement route.
5. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal Services to carry out the appropriate procedural steps to identify all rights affected and consider whether the area shown shaded yellow on the plan at Appendix 5 is no longer required for the current purpose for which it is held as specified in paragraphs 3 of the 'Detailed Analysis' section of this report.
6. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal Services to appropriate that part of the Site shaded yellow for planning purposes pursuant to section 122 of the Local Government Act 1972 as it will facilitate the carrying out of redevelopment of the Site pursuant to section 226(1)(a) of the Town and Country Planning Act 1990) on being satisfied that the specified area is surplus and is no longer necessary for the current purpose for which it is held .
7. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal Services to carry out the appropriate procedural steps to identify all rights affected and consider whether the area shown shaded pink and edged blue on the plan at Appendix 5 is no longer required for the purposes for which it is currently held as specified in paragraph 3 of the 'Detailed Analysis' section of this report.
8. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal Services to appropriate that part of the Site shaded blue for planning purposes pursuant to

section 122 of the Local Government Act 1972 as it will facilitate the carrying out of redevelopment in relation of the Site pursuant to section 226(1)(a) of the Town and Country Planning Act 1990) on being satisfied that the part of the Site shaded blue is no longer necessary for the current purpose for which it is held.

9. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director, Legal Services to take any necessary steps to resolve matters arising from the grant of planning permission, including the authority to enter into any associated legal agreements arising from the delivery of the development and enabling deeds and agreements with statutory utility providers, housing associations and third parties including the surrender and re-grant of a lease on existing sub-station, highways agreements, apply for the stopping up or diversion of footpaths necessary to enable the Development to be carried out pursuant to section 257 of the Town and Country Planning Act 1990 and consider and decide any necessary appropriation to expedite and secure the best use of the land.
10. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal Services, to carry out such steps as are necessary to effect the appropriation and to deal with the necessary arrangements to record the appropriation of the Site for planning purposes pursuant to section 122 of the Local Government Act 1972 including the transfer of the land shaded yellow on the plan attached at Appendix 5 from the Housing Revenue Account (HRA) to the General Fund account (GF); to negotiate and enter into agreements by deed and payment of compensation for the release of third-party rights where this can be achieved on reasonable terms within a reasonable timescale; and the subsequent use of powers under Section 203 of the Housing and Planning Act 2016 in order to authorise any interference with easements, covenants and other rights in respect of the Site including authorisation to take all necessary steps required in relation to any associated claims, settlements relating to compensation under section 204 of the Housing and Planning Act 2016 and other legal agreements so as to enable the Development of the Site.
11. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal Services to note the responses to consultations undertaken by the Council in relation to the Development to carry out such further consultation as is appropriate and to take all such action as is appropriate to deal with any notice served in relation to the Site to facilitate the Development.

**Reason for decision:**

As set out in the report.

**Alternative options considered and rejected:**

As outlined in the report.

**Record of any conflict of interest:**

None.

**Note of dispensation in respect of any declared conflict of interest:**

None.

**8. FORWARD PLAN OF KEY DECISIONS**

The Key Decision List was noted.

**9. DISCUSSION OF EXEMPT ELEMENTS (ONLY IF REQUIRED)**

There was no discussion of exempt elements.

Meeting started: 7.00 pm

Meeting ended: 7.20 pm

Chair .....