

CITY OF WESTMINSTER

MINUTES OF PROCEEDINGS

At the Meeting of the Council of the City of Westminster held at 7.00 pm on Wednesday 7th November, 2018 at Westminster Council House, 97-113 Marylebone Road, London, NW1 5PT.

PRESENT

The Lord Mayor, Councillor Lindsey Hall

COUNCILLORS

Heather Acton	Adam Hug
Ian Adams	Louise Hyams
Nickie Aiken	Aicha Less
Barbara Arzymanow	Pancho Lewis
Timothy Barnes	Andrea Mann
Geoff Barraclough	Patricia McAllister
Richard Beddoe	Guthrie McKie
Rita Begum	Tim Mitchell
David Boothroyd	Gotz Mohindra
Iain Bott	Eoghain Murphy
Susie Burbridge	Matt Noble
Ruth Bush	Emily Payne
Nafsika Butler-Thalassis	Papya Qureshi
Melvyn Caplan	Robert Rigby
Maggie Carman	Rachael Robathan
Danny Chalkley	Tim Roca
Antonia Cox	Ian Rowley
Tony Devenish	Karen Scarborough
Paul Dimoldenberg	Mark Shearer
Richard Elcho	Selina Short
Christabel Flight	Andrew Smith
Peter Freeman	James Spencer
Murad Gassanly	Paul Swaddle
Jonathan Glanz	Shamim Talukder
Jim Glen	Hamza Taouzzale
Matthew Green	Aziz Toki
Angela Harvey	Judith Warner
David Harvey	Jacqui Wilkinson
Elizabeth Hitchcock	

1 APPOINTMENT OF RELIEF CHAIRMAN

- 1.1 It was moved by the Lord Mayor and seconded by Councillor Tim Mitchell that Councillor Christabel Flight be elected as Relief Chairman.

Motion put, and on a show of hands, declared **CARRIED**.

2 MINUTES

- 2.1 **RESOLVED:** The minutes of the proceedings at the Council meetings (Ordinary and Extraordinary) on Wednesday 11 July 2018 were, with the assent of the Members present, signed by the Lord Mayor as true records of the proceedings.

3 RESIGNATION OF COUNCILLOR ROBERT DAVIS, MBE, DL

- 3.1 The resignation of Councillor Robert Davis was noted and that the By-election for the vacancy in Lancaster Gate would be held on 22 November.

4 LORD MAYOR'S COMMUNICATIONS

- 4.1 The Lord Mayor referred to these as set out on the Agenda.
- 4.2 The Lord Mayor advised the Council, with deep sadness, of the passing of Rachel Whittaker. Rachel Whittaker represented Victoria ward between 1978 – 1988 and held the post of Chief Whip and served on a number of Council committees including Policy, Management Services, Town Planning Committee and Social Services.
- 4.3 The Council stood in silence in memory of Rachel Whittaker and in the approach to the centenary of the Armistice in remembrance of all those who had given their lives in service to the country.
- 4.4 The Lord Mayor also spoke in tribute of the service provided to the Council by Mick Steward, Head of Committee and Governance Services who was attending his last Council meeting after 24 years service before he retired the following month.

5 DECLARATIONS OF INTEREST

- 5.1 Councillor Boothroyd declared that he is Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. No current schemes are in Westminster; if there were he would be precluded from working on them under the company's code of conduct.
- 5.2 Councillor Paul Swaddle declared, in relation to the report from the Cabinet Member for Public Protection and Licensing in respect of the Adoption of the Amended Statement of Principles for Gambling under the Gambling Act 2005 that he has clients that are gambling and casino companies, and this policy could impact them.

6 PETITIONS AND DEPUTATIONS, IF ANY

(a) Petitions

Councillor Paul Dimoldenberg presented the petition from residents of the Lillington and Longmoor Gardens Estate regarding the contracting out of the gardening service. The petition was referred to the Executive Director for Growth, Planning and Housing for reporting to the relevant Cabinet Member.

(b) Deputations

There were no deputations.

7 REPORT OF THE GENERAL PURPOSES COMMITTEE (31 OCTOBER 2018): REVIEW OF THE CONSTITUTION

7.1 The Lord Mayor put the recommendations in the report to the vote and on a show of hands declared the recommendation **ADOPTED**.

RESOLVED:

1. That the changes to Standing Order 11 and the removal of Standing Order 43 as set out in paragraph 3.4 of the Committee report be approved (times allocated for debates at full Council and the removal of the attendance requirement for Co-opted members).
2. That the revised Standing Order 9 for Council Questions, as set out in paragraph 3.5 of the Committee report be adopted, subject to a further review in 12 months (Revision to the Process for the asking Questions at full Council meetings).
3. That the revised format of the Constitution and authorising officers to make the adjustments described in the Committee report be adopted and that the Director of Law be authorised to make further minor drafting updates and to publish to the Constitution.
4. That the arrangements for approving various parts of the Council's Constitution, set out in Appendix E to the Committee report, be endorsed.

8 QUESTIONS

8.1 The questions, supplementary questions and replies are included as an audiot recording on the Council's website.

9 COUNCILLOR ISSUES

(a) Estate Regeneration and Infill Programme in Churchill Ward

Councillor Murad Gassanly spoke and Councillor Rachael Robathan replied.

(b) **Home Truths**

Councillor David Boothroyd spoke and Councillor Andrew Smith replied.

10 STATEMENT ON URGENT MATTERS

10.1 There were no urgent matters.

11 REPORT OF THE CABINET - 15 OCTOBER 2018

11.1 The report of the Cabinet on 25th October 2018 was submitted. Paragraphs 1 to 5 were considered together.

11.2 Councillor Rachael Robathan spoke in favour of the recommendations set out in the Cabinet report and Councillor Adam Hug made the first Opposition Speech and in doing so moved the amendments in his name as set out on the Order Paper which were seconded by Councillor David Boothroyd.

11.3 Following debate to which Councillor Robathan replied, the Lord Mayor put Amendment One to the recommendations in paragraph 1 of the Cabinet report moved by Councillor Adam Hug and seconded by Councillor David Boothroyd and on a roll call vote undertaken by the Chief Executive, there voted:

For amendment one: Councillors Barraclough, Begum, Boothroyd, Bush, Butler-Thalassis, Carman, Dimoldenberg, Hug, Less, Lewis, Mann, McAllister, McKie, Noble, Qureshi, Roca, Talukder and Taouzzale.

Against amendment one: Councillors Acton, Aiken, Adams, Arzymanow, Barnes, Beddoe, Bott, Caplan, Chalkley, Cox, Devenish, Elcho, Flight, Freeman, Gassanly, Glanz, Glenn, Green, Angela Harvey, David Harvey, Hitchcock, Hyams, Mitchell, Mohindra, Murphy, Payne, Rigby, Robathan, Rowley, Scarborough, Shearer, Short, Smith, Spencer, Swaddle, Warner and Wilkinson.

Absence or not voting: The Lord Mayor, and Councillors Burbridge, Dean and Toki.

11.4 The Lord Mayor declared Amendment one to be **LOST**.

11.5 The Lord Mayor then put the additional recommendation (amendment two) to the recommendations of the Cabinet's Budget Proposals, moved by Councillor Adam Hug and seconded by Councillor David Boothroyd and on a roll call vote undertaken by the Chief Executive, there voted:

For the additional recommendation: Councillors Barraclough, Begum, Boothroyd, Bush, Butler-Thalassis, Carman, Dimoldenberg, Hug, Less, Lewis, Mann, McAllister, McKie, Noble, Qureshi, Roca, Talukder and Taouzzale.

Against the additional recommendation: Councillors Acton, Aiken, Adams, Arzymanow, Barnes, Beddoe, Bott, Caplan, Chalkley, Cox, Devenish, Elcho, Flight, Freeman, Gassanly, Glanz, Glenn, Green, Angela Harvey, David Harvey, Hitchcock, Hyams, Mitchell, Mohindra, Murphy, Payne, Rigby, Robathan, Rowley, Scarborough, Shearer, Short, Smith, Spencer, Swaddle, Warner and Wilkinson.

Absence or not voting: The Lord Mayor, Councillors Burbridge, Dean and Toki.

11.6 The Lord Mayor declared the additional recommendation to be **LOST**.

11.7 The Lord Mayor advised that the voting was on the unamended recommendations of the Cabinet in paragraph 1 of the Cabinet report – 2019-2020 Budget Proposals. The Lord Mayor put the recommendations of the Cabinet in paragraph 1 to the vote and on a roll call vote undertaken by the Chief Executive there voted:

For the recommendations: Councillors Acton, Aiken, Adams, Arzymanow, Barnes, Beddoe, Bott, Caplan, Chalkley, Cox, Devenish, Elcho, Flight, Freeman, Gassanly, Glanz, Glenn, Green, Angela Harvey, David Harvey, Hitchcock, Hyams, Mitchell, Mohindra, Murphy, Payne, Rigby, Robathan, Rowley, Scarborough, Shearer, Short, Smith, Spencer, Swaddle, Warner and Wilkinson.

Against the recommendations: Councillors Barraclough, Begum, Boothroyd, Bush, Butler-Thalassis, Carman, Dimoldenberg, Hug, Less, Lewis, Mann, McAllister, McKie, Noble, Qureshi, Roca, Talukder and Taouzzale.

Absence or not voting: The Lord Mayor, Councillors Burbridge, Dean and Toki.

11.8 The Lord Mayor declared the recommendations in paragraph 1 of the Cabinet report **ADOPTED**.

Resolved:

1. That the budget proposals for the 2019/20 set out in the report of the City Treasurer attached to the Cabinet report as Appendix 1 be approved, where relevant external consultations have been completed.
2. That in principle, the budget proposals for the 2019/20 budget where relevant external consultations have not been completed as separately listed in Section 19 of the report attached as Appendix 1 be approved. Such proposals will be further considered, by Full Council on 6 March 2019, once all consultations and EIAs (Equality Impact Assessments) have been completed.
3. That the Council confirmed that they had regard to the Equality Impact Assessments (EIA) in Annex B to the report and considered the views

of the Budget and Performance Task Group set out in Annex A as set out in Appendix 1 of the report considered by the Cabinet.

4. That the financial regulations as set out in Section 19.6 and Annex D of the report attached as Appendix 1 be noted.

- 11.9 The Lord Mayor put the recommendations in paragraph 2 of the Cabinet report, Capital Strategy 2019-2020 to 2023-2024, Forecast Position for 2018-2019 and Future Years Forecasts summarised up to 2032-2033 to the vote and there voted on a roll call vote undertaken by the Chief Executive.

For the recommendations: Councillors Acton, Aiken, Adams, Arzymanow, Barnes, Barraclough, Begum, Beddoe, Bott, Boothroyd, Bush, Butler-Thalassis, Carman, Caplan, Chalkley, Cox, Devenish, Dimoldenberg, Elcho, Flight, Freeman, Gassanly, Glanz, Glenn, Green, Angela Harvey, David Harvey, Hitchcock, Hyams, Hug, Less, Lewis, Mitchell, Mohindra, Murphy, Mann, McAllister, McKie, Noble, Payne, Rigby, Robathan, Rowley, Scarborough, Shearer, Short, Smith, Spencer, Swaddle, Warner and Wilkinson, Qureshi, Roca, Talukder and Taouzzale.

Against the recommendations: None.

Absence or not voting: The Lord Mayor, Councillors Burbridge, Dean and Toki.

- 11.10 The Lord Mayor declared the recommendations in paragraph 2 of the Cabinet report **ADOPTED**.

RESOLVED:

- (i) That the Council approved the capital strategy as set out in the Cabinet's report attached as Appendix 2;
- (ii) Approved the capital expenditure of the General Fund as set out in the report attached as Appendix A to Appendix 2 for 2019-2020 to 2023-2024 and future years to 2032-2033;
- (iii) Approved the capital expenditure forecasts for the General Fund as set out in Appendix A of Appendix 2 for 2018-2019 (Period 4);
- (iv) Approved the expenditure forecast for 2018-2019 (Period 4) for the HRA as set out in Appendix B of the report attached as Appendix 2 ;
- (v) Approved that in the event that any additional expenditure is required by a capital scheme over and above the approved programme the revenue consequences of this will be financed by revenue savings or income generation from relevant service areas;
- (vi) Approved that all development and investment projects, along with any significant projects follow the previously approved business case

governance process as set out in paragraphs 5.1 and 6.5 to 6.14 of the report attached as Appendix B;

- (vii) Approved that no financing sources, unless stipulated in regulations or necessary arrangements, are ring fenced;
- (iix) Approved that contingencies in respect of major projects are held corporately, with bids for access to those contingencies to be monitored by the Capital Review Group (CRG) in the event that they are required to fund capital project costs, as detailed in Sections 12.11 to 12.14 of the report attached as Appendix 2;
- (ix) Approved the Council plans to continue its use of capital receipts to fund the revenue costs of eligible proposals (subject to full business cases for each project). This comes under the MHCLG Guidance on the Flexible Use of Capital Receipts (FCR), if considered beneficial to the Council's finances by the City Treasurer at year-end. (The Council's strategy for flexible use of capital receipts is outlined in Section 11 of Appendix 2);
- (x) Approved the use of a further £7.193m of flexible use capital receipts to fund revenue costs associated with City Hall, Network and Telephony Transformation and Technology Refresh projects as detailed in section 11.9 and 11.14 to 11.24 of the report attached as Appendix 2 ;
- (xi) Approved the Council's proposal to make use of £400m of forward borrowing to finance the capital programme and subsequently reduce the longer-term revenue impact;
- (xii) Approved the financing of the capital programme and revenue implications as set out in paragraphs 14.1 to 14.33 of the report attached as Appendix 2 ;
- (xiii) Approved the financing of the capital programme being delegated to the City Treasurer at the year end and to provide sufficient flexibility to allow for the most effective use of Council resources.

11.11 The Lord Mayor put the amendment to the recommendation in paragraph 3 of the Cabinet report moved by Councillor Adam Hug and seconded by Councillor David Boothroyd to the vote and on a show of hands declared the amendment **LOST**.

11.12 The Council noted paragraph 3 of the Cabinet report – Housing Investment Strategy and Housing Revenue Account Business Plan 2019-2020.

11.13 The Lord Mayor then put the recommendations in paragraph 4 of the Cabinet report to the vote and on a show of hands declared the recommendations **ADOPTED**.

RESOLVED:

That the Council approved:

- (i) The Treasury Management Strategy Statement attached as Appendix 4;
- (ii) The Prudential Indicators set out in section 8 of the report attached as Appendix 4;
- (iii) The overall borrowing strategy and borrowing limits for 2019-2020 to 2023-2024 as detailed in sections 5 to 7 of the report attached as Appendix 4;
- (iv) Investment strategy and approved investments set out in Appendix 1 of the report attached as Appendix 4;
- (v) The Minimum Revenue Provision Policy set out in Appendix 2 of the report attached as Appendix 4.

11.14 The Lord Mayor then put the recommendations in paragraph 5 of the Cabinet report to the vote and on a show of hands declared the recommendations **ADOPTED.**

RESOLVED:

That the Council:

- (i) Approved and implemented the Integrated Investment Framework set out in the report as attached Appendix 5 (to be reviewed on an annual basis).
- (ii) Approved that the target for the overall return on Council investments should aspire to match inflation.
- (iii) Approved that the benefits of investing in the Pension Fund should be used as a benchmark when evaluating other investments.
- (iv) Adopted the asset allocation percentages set out in the Framework and work towards achieving this.
- (v) Approved that the overarching objective of this Framework is to achieve an overall return on Council investments aspiring to match inflation, or to reduce costs and liabilities at an equivalent rate whilst maintaining adequate cash balances for operational purposes and not exposing the capital value of investments to unnecessary risk.
- (vi) Approved that investments allocated to out-of-borough property developments should be considered individually and should outweigh the benefits of investing in-borough (which can have a number of non-commercial benefits, e.g., place making) and in a diversified property fund. Individual decisions should be subject to Cabinet Member approval.

- (vii) Approved that the property and alternative asset allocation should focus on in-borough, with out of borough options being explored as and when they arise and subject to Cabinet Member approval.
- (viii) Approved that the Investment Executive implement, monitor and report on the investment strategy.

12 FUTURE POLICY PLAN

- 12.1 Having reached the time allocated for debate by the Majority Party, following a Motion moved by Councillor Geoff Barraclough which was duly seconded to extend the time limit for speeches on the debate, the Lord Mayor put the Motion to the vote and on a show of hands declared the Motion **CARRIED**.
- 12.2 The meeting accordingly debated the item chosen from the Future Policy Plan by the Majority Party:

West End Partnership – Oxford Street District Scheme

- 12.3 The Majority Party had selected item number 115 on the Future Policy Plan, West End Partnership – Oxford Street District Scheme. The debate will be referred to the relevant Executive Director for consideration when reporting on the subject.

13 NOTICE OF MOTION

- 13.1 The Minority Party had selected for debate the Notice of Motion as set out on the agenda.
- 13.2 The Majority Party had submitted an amendment to the Notice of Motion as set out on the Order Paper.
- 13.3 The Council, having agreed to extend the time for debate, on the item selected by the Majority Party on the Future Policy Plan, the Lord Mayor, with the agreement of the Minority Party, put the Notice of Motion and the tabled amendment to a vote without debate.
- 13.4 The Lord Mayor put the amendment to the vote and on a show of hands declared the amendment **CARRIED**.
- 13.5 The Lord Mayor then put the substantive motion to the vote and on a show of hands declared the substantive motion **CARRIED**.

RESOLVED:

The Council notes the continued pressures on our residential neighbourhoods caused by the uncontrolled expansion of short-lettings.

The Council notes the concerns of local residents that many properties are being let out by professional landlords as permanent short-let accommodation.

The Council believes that it is important to protect the flexibility and freedoms of residents who want to rent out their home or rooms for short periods, but that illegal short-lets are damaging many of our communities.

The Council believes that the current legal framework for short-lets created by the 2015 Deregulation Act does not enable local authorities in major urban areas such as Westminster to respond to the needs of our communities.

The Council welcomes the current extensive efforts made to deal with the negative effects of commercial short term letting in our city, and recognises the sector leading work undertaken by our Housing Standards Taskforce in this area.

The Council notes that already the Housing Standards Taskforce has opened 1,493 cases and inspected 299 properties related to Short Term Lets since its launch in April 2018.

The Council recognises the significant investment made to tackle unlawful short term lets in Westminster and supports the proactive work undertaken to engage with other large cities across the UK, the GLA, central government, and the industry on this matter.

The Council resolves to lobby the government for rules that better reflect the short-let challenges Westminster faces and that empowers the Council to take suitable action.

The Council resolves to further improve its policies and enforcement, including exploring new sources of funding where available, to help crackdown on illegal short-lets.

14 REPORT OF THE GENERAL PURPOSES URGENCY SUB-COMMITTEE: 23 OCTOBER 2018

- 14.1 The Lord Mayor, at the conclusion of the time for debates, then put the recommendation of the General Purposes Urgency Sub-Committee report to the vote and on a show of hands declared the recommendation **ADOPTED**.

Resolved:

That Mr Asif Iqbal, MBE be appointed, as an Independent person.

15 REPORT OF CABINET MEMBER FOR PUBLIC PROTECTION AND LICENSING

- 15.1 The Lord Mayor then put the recommendation of the report of the Cabinet Member for Public Protection and Licensing to the vote and on a show of hands declared the recommendation **ADOPTED**.

Resolved:

That the Statement of Licensing Principles for Gambling attached as Appendix 7 to the Agenda be adopted and published on 1 December 2018, effective from 31 January 2019.

The Meeting ended at 9.55 pm

CHAIRMAN:

DATE
