

## **PRESENT**

### **Members of the Council**

THE MAYOR: CLLR MARIE-THERESE ROSSI

THE DEPUTY MAYOR: CLLR MOHAMMED BAKHTIAR

ADDENBROOKE, Sarah  
ADOURIAN, Hamish  
ARETI, Aarien  
ATKINSON, Robert  
BENNETT, Tom  
BERRILL-COX, Adrian  
CAMPBELL, Elizabeth  
CHAUHAN, Dr Max  
DENT COAD, Emma  
ELNAGHI, Marwan  
EVANS, Janet  
FAULKS, Catherine  
FREEMAN, Robert  
HAMMOND, Gregory  
HARGREAVES, Gerard  
HEALY, Pat  
HENDERSON, Ian  
HUSBAND, James  
IDRIS, Walaa  
KEMAHLI, Cem

LINDSAY, David  
MASON, Pat  
McVEIGH, Sof  
MILLS, Julie  
NAIL, Nadia  
PALMER, Matthew  
PASCALL, Will  
PRESS, Monica  
RENDALL, Josh  
ROUND, Laura  
SCHMETTERLING, Dori  
SPALDING, Malcolm  
TAYLOR-SMITH, Kim  
THALASSITES, Johnny  
THAXTER, Portia  
WADE, Linda  
WEALE, Mary  
WILL, Emma  
WILLIAMS, Charles  
WOODGER, Maxwell

### **1. MAYOR'S ANNOUNCEMENTS**

The Mayor said it would be appropriate for the meeting to start by standing in silence for 72 seconds to remember all those who lost their lives in the Grenfell tragedy.

Councillors, officers and members of the public stood to observe the 72 second silence.

### **2. MINUTES OF THE MEETING HELD ON 23 JANUARY 2019**

The minutes of the meeting held on 23 January 2019 were confirmed as a correct record and were signed by the Mayor.

### **3. CHIEF EXECUTIVE'S COMMUNICATIONS**

#### **Apologies**

Apologies for absence were submitted on behalf of Cllrs. Blakeman, Cyron, Jackson, Lari, Marshall, O'Connor and Wason.

Apologies for lateness were submitted on behalf of Cllr. Freeman.

### **Declarations of interest**

All Members present declared personal interests in paragraph 2 of the report of the Administration Committee on the Members' Allowances Scheme.

### **(iii) Declarations under S106 of the Local Government Finance Act 1992**

There were no such declarations.

## **4. PUBLIC SPEAKING**

The Mayor advised that as this was the budget meeting, public speeches would be limited to half-an-hour on this occasion. Each person would be allocated up to five minutes in which they could speak and any time left within those five minutes would be available for a reply by the relevant Councillor and if there was no time left for reply, a written response would be sent.

The Mayor introduced Dr. Catherine Howe from the Democratic Society who facilitated the session. A detailed note would be taken of the points made by each speaker and replies to points raised would be put on the Council's website. A summary of each speech is set out below:

### **Speaker 1 – Bruno de Florence**

Mr. de Florence said that he had been living in the Borough since 1995. The UK was scheduled to leave the EU, after which EU citizens wishing to remain living in the UK would need to apply for Settled Status. He raised concerns about the EU Settlement Scheme and its process. James Brokenshire, MP had said that councils had a role to support business and residents and provide clarity of information to encourage EU residents to settle. Camden and Tower Hamlets had appointed support officers. He asked what strategies and budget the Borough had put in place to support EU citizens to stay and what information would be available on the website.

Cllr. Campbell said the Borough valued the contributions from EU citizens. She was disappointed that the application process for EU citizens to settle was not working as well as it should. On 30 March the Council would have officers at the Town Hall to help residents make their applications free of cost. The Council had decided to have a direct link to the Government Settlement Scheme website page, which would have the most up-to-date information. The Chief Executive was in regular communication with the Ministry of Housing, Communities and Local Government and London Resilience Partnership to monitor and influence national and regional preparations. The Council's contractors had been asked to put contingency plans in place.

Cllr. Atkinson believed the Council was not doing enough and should start by telling the Government that the UK should not be withdrawing from the EU. The Council should not be waiting until 30 March, but should have staff at the Town Hall now to help residents.

## **Speaker 2 – Annette Carrabino**

Ms Carrabino spoke of a dispute with the Council's Environmental Health Department, where her children's piano playing had been declared by officers to be a 'statutory nuisance' following a complaint by her neighbours. The Council had accepted her neighbour's claim. The court had been told that sound-proofing would not work. At the neighbour's demand, a noise abatement notice had been served. The case had cost £200,000 in Council taxpayers' money. She said that FOI requests had been fought by the Council and information had been hidden. The Council had hired external counsel to fight these requests. She had asked for help from her then ward councillors, the former Leader, Chief Executive and former MP but did not receive any. She queried if this had anything to do with her neighbour's role on the Board of Trustees of the V&A Museum. Ms Carrabino said that she had won the case in court and added that the competence and integrity of the Noise and Nuisance Team had been called into question by the judge who had ordered the Council to pay her costs in full, something which in law the judge could not have done had she not found them to be dishonest or unreasonable. Officers used the court to put pressure on her family. They then appealed against the judgement to the High Court although there was little realistic chance of success. She considered that the Council's leadership should have exercised judgement and not wasted money on contesting the case. It should have accepted offers to settle. She added that the Council had then, in the wake of the Grenfell fire, suddenly dropped the High Court appeal case. She asked:

- Which Councillors, other than Ward Councillors, had been involved in the dispute (when the notice was served and after), in what capacity and when?
- After having lost in the Magistrates' Court, what was the Leadership Team told about risking money on an appeal and by whom?
- Did the Council seek the QC's advice on the possibility of winning the appeal? Yes or no. If so, was it the QC's opinion that the prospect of winning the appeal was stronger than losing or no change?
- To see detailed notes of all officer visits to her neighbour's property.
- The senior Noise and Nuisance Officer, Mr Mehaffy, visited her neighbours on 23/5/16. Within 48 hours the QC was appointed and appeal documents submitted. What was the purpose of Mr Mehaffy's visit, what discussions took place and what were the conclusions?
- The judge said that officers' approach was flawed and that they behaved unreasonably. What was the Leadership team doing to address those failings in the Environmental Health Department and the executives who oversee it?

Cllr. Lindsay replied that this had been a complex case. He said that he could not answer the direct questions immediately but a reply would be sent within 10 days.

## **Speaker 3 – Jamie Renton**

Mr. Renton, Chief Executive of Action Disability Kensington and Chelsea (ADKC), spoke about the number of disabled people coming through its doors facing the stark choice of paying for food or for basic care charges. The argument had been that it would cost more to abolish care charges than to keep them going but he highlighted the hidden costs of bailiffs, costs of people falling through net, and people not able to live independently any longer. He said that post-Grenfell the Council had not had a good

reputation. He knew the Council to be caring and generous but that was not the impression of some residents. Many people in the north of Borough were in receipt of care and the Council should be sending a clear message of support to them by abolishing care charges.

Cllr. Addenbroke said that was a powerful speech and invited Mr. Renton to a meeting with her and officers to go through the issues.

Cllr. Healy reiterated that it was a powerful speech. The issue of care charging had been brought to the Adult Social Care and Public Health Scrutiny Committee and she supported the suggestion to drop homecare charges.

#### **Speaker 4 – Douglas Campbell**

Mr. Campbell, a Swedish/British Citizen living in the Borough for many years spoke about the 2016 referendum and the shock result to leave the EU. He said at the time no one knew what leaving would actually mean. Two and a half years later people now knew what that looked like and the time had come to put a second referendum to people to let people decide if that was what they wanted. He highlighted that 68% of the Borough voted to remain and added that since then the figure had gone up. Other London local authorities had passed motions in support for a new vote and he urged the Council to do the same and to represent its constituents. He asked Cllr. Emma Dent Coad, as MP, to support a second referendum. He also asked what the Council would do to support a second referendum.

Cllr. Dent Coad said she fully supported a second referendum and had received many letters from constituents on the matter.

Cllr. Campbell said the Council could not force Parliament to call a second referendum. She wished the 2016 referendum result had been different and was aware of the concerns of residents. However, she respected democracy and the outcome of the 2016 referendum and could not back a second referendum.

Cllr. Atkinson said that every opposition councillor was in support of remaining in the EU. He urged the Leadership Team to follow the example of the other London local authorities and make a statement.

#### **Speaker 5 – Matt Snell**

Mr. Snell spoke about the changes to taxicard fares. Most drivers were no longer prepared to pick-up taxicard users as they lost money. He queried why some very wealthy residents had access to the scheme. This limited the journeys others could make. He said that ten trips per month was not enough. The scheme needed to be means-tested so that the vulnerable could be helped to cope better with life and be more mobile.

Cllr. Addenbroke said she was unaware of the issue and invited Mr. Snell to a meeting to see what could be done to lobby for change.

Cllr. Henderson also welcomed a discussion with Mr Snell.

## 5. PETITIONS

Cllr. Healy presented a petition on the Royal Brompton Hospital with the following prayer:

*“We, the undersigned residents and users of the National Health Service, are alarmed at the threat to the world-renowned Royal Brompton Hospital centred on Fulham Road, Chelsea.*

*The NHS Executive has decided to stop commissioning children’s heart services from the Royal Brompton, despite acknowledging its history of providing safe and exceptional care in this area. The hospital has now given up on retaining the Fulham Road site and is planning to transfer all of its services to a site at St Thomas Hospital, funded by selling off its very valuable site. We believe this to be a retrograde step which will seriously damage the excellent services for which the Brompton is well known.*

*Two trusts – Imperial Healthcare (which runs St Mary’s, Charing Cross and Hammersmith hospitals) and the Chelsea and Westminster – are pursuing an alternative plan. This aims to keep all Brompton services in North West London, but would split them over several sites.*

*Either plan would begin to unravel the integrated and highly successful medical facilities now available along the Fulham Road and end any prospect of retaining a world leading science/health hub in Chelsea. The current arrangements work well, are not broken and do not need ‘fixing’. What is happening is motivated by land values and asset stripping, not by good medicine.*

*We believe that the health needs of the public are best served by the Royal Brompton staying where it is. We therefore: a) call on the leadership of Kensington and Chelsea Council to resist vigorously any application for a change of use of the Fulham Road site; b) to press the NHS Executive to restore commissioning of children’s heart services at the Brompton, and c) to lobby the Secretary of State for Health to provide leadership in requiring the retention of integrated NHS Hospital services in the area which in turn requires the funding to upgrade the Brompton buildings to modern standards.”*

Pursuant to Standing Orders, the petition was referred to the Leadership Team for consideration and reply.

## 6. ORDER OF BUSINESS

The Mayor advised Members, pursuant to Standing Order 21.01, that she understood the Council wished to debate Motion (iii) first. The Majority Party Chief Whip said there had been a misunderstanding.

The Mayor then announced that, in accordance with Standing Orders, the order of debate would be as set out in the paper laid round the chamber.

It was then moved by Cllr. Lindsay, seconded by Cllr. Henderson and

RESOLVED -

that Standing Order 30 be suspended to allow the Leader and Cllr Atkinson up to 10 minutes each for their budget speeches, Cllrs Weale and Mason up to 10 minutes each in speaking on the budget and Cllrs Press and Weale up to 10 minutes each in summing up.

## **7. REPORTS FROM THE LEADERSHIP TEAM**

### **(i) Revenue Budget, Capital Programme and Council Tax 2019/20**

The reception of the report was moved by Cllr. Campbell and seconded by Cllr. Weale.

The Leader and Cllr. Atkinson made their budget speeches.

The Leader spoke of a fair and balanced budget, which reflected the views of residents put forward during extensive consultation. She spoke of the change in the Council brought about by the Grenfell fire. She drew attention to £1m funding which had been identified to tackle knife crime in the Borough. The Labour budget had only been submitted two days before the meeting which was not enough time to scrutinise it properly, but she criticised the proposal to cut funding from the Grenfell legal budget: the point was to get to the truth; it was not about defence. The Leader concluded by referring to the £40m savings required over the next three years.

Cllr. Atkinson criticised the funding for projects such as Leighton House and Holland Park, while Wornington College was not being dealt with. He said that his group supported the 2% increase for Adult Social Care but was opposed to the 2.99% increase in general Council Tax, which he considered unnecessary. It should not be collected from lower banded properties. A tourist bed tax should be introduced which did not penalise the smaller establishments. He objected to spending on Town Hall refurbishment and proposed that all adult home care should be free of charge. He asked the Council to support the Labour amendments.

### **Labour amendment to the Revenue Budget and Council Tax and the Capital Programme**

The Labour Group's amendment was then moved by Cllr. Atkinson and seconded by Cllr. Mason.

Cllr. Weale then introduced the budget proposals in more detail. She considered the budget to be realistic. With the level of savings required in future, it was important to raise Council Tax this year. She added that plans were afoot to introduce a voluntary contribution scheme, as piloted in Westminster.

Cllr. Mason then spoke about the Labour amendments. He considered that previous decisions to contract-out services had been a mistake. He supported the re-establishment of an in-house youth service.

### **The Deputy Mayor, Cllr. Bakhtiar, in the chair**

Debate among members on the Revenue Budget, Council Tax and Capital Programme ensued. Points raised included:

- Spending on police officers and CCTV was welcomed, as was the budget for fighting knife crime.
- All home care charges should be dropped.
- Support for the introduction of a youth parliament, bringing youth services back in-house and weekend/holiday schemes for young people.
- The need for a more resident-focused Planning Department, including training residents to object to applications. Developers should pay more towards the planning process. New guidance restricted the advice that councillors could give to residents.
- Step-free access to tube stations was welcomed.
- There should be free swimming for 0-16s and the over 65s.
- The Council should look at setting up a project to deal with wet waste.
- An EU advisory service would be set up at the Town Hall from 30 March.
- Adult Social Care budgets should be increased not cut. There was no provision in the capital programme for more accommodation for the increasing numbers of elderly residents.
- The preventative maintenance budget for roads was welcomed.
- The corporate grants scheme had been protected.
- The Council needed to tackle short-term holiday lets and rogue landlords.

### **The Mayor, Cllr. Rossi, in the chair**

Cllr. Press then summed up on the Labour budget. Priorities were housing, education and social care. She commended the Council's plans to build new homes. A third of residents were in private sector accommodation so issues with short-term holiday lets needed to be addressed. The Council's adult social care budget was inadequate. A Save Holland House campaign should be set up to attract funding, rather than allocating Council funds.

*The time being 9.15pm, it was moved by Cllr. Lindsay, seconded by Cllr. Henderson and*

*RESOLVED – that Standing Order 24.01 be suspended and that the meeting terminate no later than 10pm.*

Cllr. Weale then summed up on the budget debate and asked the Council to reject the Labour amendment and adopt the recommendations in the Leadership Team report.

### **Vote on the Labour amendment**

The amendment was then put to the vote by the Mayor and the voting was as follows:

**For: 9**

*Cllrs. Atkinson, Dent Coad, Elnaghi, Healy, Henderson, Mason, Nail, Press and Thaxter.*

**Against: 29**

*Cllrs. Addenbrooke, Adourian, Bennett, Campbell, Chauhan, Evans, Faulks, Freeman, Hammond, Hargreaves, Husband, Idris, Kemahli, Lindsay, McVeigh, Mills, Palmer, Pascall, Rendall, Round, Schmetterling, Spalding, Taylor-Smith, Thalassites, Wade, Weale, Will, Woodger and Williams.*

**Not voting: 0**

The Mayor declared the amendment lost.

### **Vote on Revenue Budget, Capital Programme and Council Tax 2019/20**

The recommendations in Report 7(i) of the Leadership Team were then put to the vote by the Mayor and the voting was as follows:

**For: 28**

*Cllrs. Addenbrooke, Adourian, Bennett, Campbell, Chauhan, Evans, Faulks, Freeman, Hammond, Hargreaves, Husband, Idris, Kemahli, Lindsay, McVeigh, Mills, Palmer, Pascall, Rendall, Round, Schmetterling, Spalding, Taylor-Smith, Thalassites, Weale, Will, Woodger and Williams.*

**Against: 9**

*Cllrs. Atkinson, Dent Coad, Elnaghi, Healy, Henderson, Mason, Nail, Press and Thaxter.*

**Not voting: 1**

*Cllr Wade.*

RESOLVED -

That the Revenue Budget, Capital Programme and Council Tax for 2019/20 as set out in Report 7(i) of the Leadership Team report be adopted.

### **(ii) Housing Revenue Account Business Plan and HRA Budget Report 2019/20**

The reception of the report was moved by Cllr. Taylor-Smith and seconded by Cllr. Campbell.

The reports were received and noted.

It was noted that the Labour Group would abstain if such reports had been put to the vote.

**(iii) Annual Treasury Strategy mid-year review 2018/19**

The reception of the report was moved by Cllr. Weale and seconded by Cllr. Campbell.

The report was received and noted.

**(iv) Annual Treasury Management Strategy 2019/20**

The reception of the report was moved by Cllr. Weale and seconded by Cllr. Campbell.

RESOLVED (with the Liberal Democrat and Labour Councillors abstaining) -

That the recommendations at paragraph 2.1 be adopted.

**8. MATTERS REFERRED TO THE COUNCIL BY COUNCIL-SIDE COMMITTEES**

**(i) Report of the Administration Committee**

The reception of the report was moved by Cllr. Campbell and seconded by Cllr. Lindsay.

**Paragraph 1 - Pay Policy 2019/20**

RESOLVED -

That the recommendation in paragraph 1.2 be adopted.

**Paragraph 2 - The Members' Allowances Scheme 2019/20**

All Members present declared personal interests in this report.

RESOLVED -

That the recommendations in paragraph 2.2 be adopted.

**Paragraph 3 - Changes to the arrangements for dealing with Code of Conduct complaints**

RESOLVED -

That the recommendations in paragraph 3.4 be adopted.

**(ii) Report of the Audit and Transparency Committee**

The reception of the report was moved by Cllr. Husband and seconded by Cllr. Williams.

RESOLVED -

That the recommendations in paragraph 1.2 be adopted.

## 9. MOTIONS FOR DEBATE

### (i) Royal Brompton Hospital

It was moved by Cllr Rendall and seconded by Cllr Round.

*“This Council recognises the Royal Brompton Hospital as an invaluable part of our community and will do all it can to secure its long-term future in Kensington and Chelsea.”*

Debate ensued, during which Cllr Round made her maiden speech.

Cllrs. Freeman, Evans, Healy and Lindsay spoke in support of the motion. Cllr Taylor-Smith commented that the site should only be used for hospital/health care provision and asked the planners to look at this.

The Motion was put to the vote by the Mayor and declared to be carried unanimously.

*The time being 10pm, the Leader of the Labour Group (in the absence of the Labour Whip) moved that Standing Order 24.01 be suspended again and that the meeting terminate at 10.30pm to allow the remaining Motions to be debated. The Chief Whip said that this was not agreed. As there was no agreement to extend the meeting further, the Mayor then declared that Motions (ii) and (iii) would be deferred to the meeting on 24 April. Cllr Wade, as mover of Motion (iii), expressed her great dissatisfaction at this outcome.*

## 10. APPOINTMENTS

Cllrs. Lindsay and Henderson moved the nominations standing in their names.

The following resignations were noted and appointments made:

### **Audit and Transparency Committee (*additional Members to hear Code of Conduct appeals only*)**

Appointments: Cllr Marwan Elnaghi and Cllr David Lindsay

### **Grenfell Recovery Scrutiny Committee**

Resignation: Cllr Robert Thompson

### **Planning Applications Committee**

Resignation: Cllr Robert Thompson

Appointment: Cllr Emma Dent Coad

## **OUTSIDE ORGANISATIONS**

### **Chelsea Non-Ecclesiastical Charities**

Resignation: Cllr Robert Thompson  
Appointment: Cllr Portia Thaxter

### **Kensington Parochial Charities**

Resignation: Cllr Robert Thompson  
Appointment: Cllr Sina Lari

The meeting ended at 10pm.

Mayor