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PRESENT

MEMBERS OF THE COMMITTEE

Cllr. Marie-Therese Rossi (Chair)
Cllr. Adrian Berrill-Cox (Vice-Chair)
Cllr. Max Chauhan
Cllr. Janet Evans (Chair, Family Services Select Committee)
Cllr. Marwan Elnaghi (Chair, Adult Social Care & Health Select Committee)
Cllr. Gregory Hammond
Cllr. David Lindsay
Cllr. Pat Mason
Cllr. Will Pascall (Chair, Environment Select Committee)

OTHERS PRESENT

Members of the Leadership Team

Cllr. Catherine Faulks (Lead Member for Economy, Employment and Innovation)
Cllr. Kim Taylor-Smith (Deputy Leader, Grenfell, Housing and Social Investment)
Cllr. Johnny Thalassites (Lead Member for Planning, Place and Environment)
Cllr. Mary Weale (Lead Member for Finance and Customer Delivery)

Other Councillors

Cllr. Judith Blakeman
Cllr. Portia Thaxter

Council Officers

Rebecca Brown – Environmental Quality Team Manager
Stephen Brown – Director of Public Protection
Taryn Eves - Director of Financial Management
Jacqui Hird - Scrutiny Manager
Martin Lomas – Strategic Developments Team Leader
Amanda Reid – Director of Planning and Place
Andrew Tagg – Director of Operations and Programmes, Children's Services
Paul Wilmette – Special Projects Commissioner
Martyn Carver - Governance Manager

Representatives of Catalyst Housing

Fearghal O'Hara – Regeneration Manager
Richard Smith – Managing Director of New Homes

Members of the public

Isis Amlak - resident

Abbas Dadou – Chair, Lancaster West Estate Residents' Association

Christine Dingle – Wornington Green Residents' Steering Group

Constantine Gras – Petitioner

David O'Connell – Vice-Chair, Lancaster West Estate Residents' Association

Keith Stirling – Petitioner

Public agenda

72 SECONDS SILENCE

At the invitation of the Chair, all present observed 72 seconds of silence in remembrance of those who lost their lives in the Grenfell tragedy.

A1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Cllr. Ali.

A2. DECLARATIONS OF INTEREST

No declarations of interest were made.

A3. MINUTES

The minutes of the meeting of the Committee held on 12 November 2020 were confirmed as a correct record.

A4. PETITION IN RESPECT OF TREES ON WORNINGTON GREEN ESTATE

Cllr. Rossi introduced the item. A petition had been presented at the Council meeting on 2 December asking the Council to halt the felling of 42 trees on the Wornington Green Estate. She added that scrutiny had an important role in amplifying residents' voices so she had agreed to include the petition on the agenda for this meeting. She then set out the procedure for discussing the petition. The petitioners would speak first. The Committee would then hear from Catalyst and the Lead Member before questions from the Committee, other Councillors and then other residents.

Petitioners

Constantine Gras and Keith Stirling then spoke on behalf of the petitioners. Mr. Gras welcomed the opportunity to address the Committee. The number of signatories to the petition was in excess of 1,000, including 160 residents of the estate. Mr. Stirling spoke of the general poor health of residents in the area, exacerbated by air pollution caused by traffic on the Westway and Ladbrooke Grove and by neighbouring railways. There was a need to retain mature plane trees to help tackle air pollution. The planning permission had been granted in 2010 but a lot had happened in terms of environmental protection since then.

He considered that the trees should not be cut down; they should be transplanted to Athlone Gardens.

Mr. Gras drew attention to Catalyst's revised plans, circulated on 16 December, to fell 37 not 42 trees. He spoke of the health inequality between the north and south of the Borough and the need to retain trees and green spaces in the north. He added that there appeared to have been no consultation about the decision to fell the trees. An updated environmental impact assessment was needed. He then displayed a plan showing the trees already lost during Phase 1 of the redevelopment. 55 had been removed during this Phase. The revised plans to fell 37 trees during Phase 2B was still a disaster as they were over 40 years old and would be replaced by immature trees. He referred to the bio-diversity plan welcomed by the Planning Committee in October 2020 and asked the Council to take this into account. He also spoke of the mix of tenure, with 111 flats designated for private sale, and asked if north Kensington needed more luxury flats. To conclude, Mr. Gras showed a short film of the trees on the estate.

Catalyst Housing

Mr. O'Hara from Catalyst Housing then spoke. He said that he understood the concerns raised. Wherever possible the removal of trees would be avoided. Trees were never removed without good reason. There was a climate and air quality issue but there was also a need for new homes. He spoke of the new community facilities that would be provided. The Council had given planning permission in 2010 and the master plan for the redevelopment had been publicised 10 years ago. Details had been ratified in 2014, 2017 and 2019. Residents had been kept informed through events on the estate and leaflets. The Residents' Steering Group had been kept informed. Catalyst had listened to residents and revised plans to include 14 new trees, bringing the total to 69, subject to Council approval. Two existing trees would be retained and three replanted to Athlone Gardens. He hoped that this showed that Catalyst aimed to retain trees where possible.

Lead Member

Cllr. Thalassites, the Lead Member for Planning, said that this was an important issue for north Kensington and welcomed the petition. He was grateful to Catalyst for revising their plans but considered that they should work further with the Council to save more trees. He regretted the fact that planning permission had been granted 10 years ago but stressed that the Council was bound by this. He said that he relied on Catalyst to work further with the Council and honour the bio-diversity plan.

Members' questions and discussion

Cllr. Rossi then invited questions. She asked if more trees could be saved if the plans were redrawn and fewer private homes built. Mr. O'Hara said that 1,000 homes were to be built on the site, with 230 to be built in Phase 2B. The site was constrained by Athlone Gardens, Portobello Road and railway lines. The trees were not peripheral to the site so building fewer private homes would not address the issue.

Cllr. Hammond asked for clarification of the original planning permission and whether there were any time limits. It was confirmed that permission had been granted in 2010. Planning officers confirmed that as long as works commenced within three years, then the permission stood in perpetuity. This was the case here.

Cllr. Mason was critical of the consultation carried out at the time of the 2010 master plan. A petition had been submitted at that time and there had been a campaign against the development. He recalled that the permission had been granted only by the Planning Committee chair's casting vote. He did not recall anything in the 2010 terms about trees. Martin Lomas confirmed that the development was lawful as permission had been granted. He suggested that efforts be made to collaborate and see what could be done outside of the planning permission.

Cllr. Blakeman commented that she had been on the Planning Committee at the time of the 2010 approval. Outline planning permission had been granted. She recalled that the removal of trees had been agreed at a later date. Cllr. Rossi said that she understood the planning consent did refer to trees.

Cllr. Taylor-Smith stressed that over the three development phases, more social housing would be delivered on site than currently existed. He suggested that the 37 trees be graded and where possible some could be moved to sites elsewhere in the borough.

Cllr. Lindsay asked for details of consultation carried out by Catalyst in recent years. Mr. O'Hara said that he had been with the company for two and a half years. In that time there had been public events such as the party in the park about Phase 3. Consultation events had been held in Portobello Hall about Athlone Gardens Park and a weekend event about Phase 3 proposals. Monthly meetings had been held with the Residents' Steering Group (RSG). Catalyst's communications team kept residents informed via newsletters. Mr. Stirling said that the RSG only comprised 4 to 5 residents and was unrepresentative and considered that consultation was paying lip-service. Cllr. Lindsay commented that it was clear that Catalyst had not taken residents along with them and the communications carried out were insufficient.

Cllr. Evans welcomed Cllr. Taylor-Smith's suggestion about replanting and asked how Catalyst planned to mitigate the loss of trees. Mr. O'Hara spoke of proposals for two blocks to be surrounded by trees, with a courtyard garden area in each block. Mr. Gras commented that transplanting should be a last resort as the trees were fragile. He suggested that efforts be made to re-plan around the existing trees.

Cllr. Pascall also welcomed Cllr. Taylor-Smith's suggestion and added that Catalyst needed to work further with residents and the Council. Mr. O'Hara said that the problem was that the existing trees were intertwined in the current layout and it was almost impossible to build around them. He added that he would be prepared to look at increasing the number of trees to be relocated to Athlone

Gardens Park and elsewhere in the borough. The number of street trees in the area was already at capacity.

Cllr. Blakeman referred to Catalyst's recent downgrading by the regulator of social housing. She added that there was no guarantee that the work would be completed by Catalyst. She commented that the courtyards at Silchester Estate had become overly muddy owing to a lack of sunlight and asked if this would be the same at Wornington Green. Mr. O'Hara said that smaller trees and shrubs would be planted in the courtyards. Plane trees were too large to plant in the courtyards.

Residents

Christine Dingle and Abbas Dadou both asked for the proposals to be reconsidered and asked that the trees should be saved or relocated. Isis Amlak commented that the 2010 master plan was no longer fit for purpose. Catalyst should listen to the community and find a way to save the trees. She asked how the company had taken the lessons from the Grenfell tragedy into account when dealing with the local community. Mr. O'Hara said that Catalyst recognised the sensitivities and had a commitment to keep residents informed and involved. Cllrs. Mason and Blakeman considered that Catalyst had not engaged with residents and being informed was not the same as being consulted.

Summary and recommendations

Cllr. Rossi then thanked participants for their contributions. She considered that Catalyst had not engaged sufficiently with residents. Regeneration should not be imposed. There was a need to involve residents in decisions affecting their neighbourhoods.

RESOLVED –

To write to Catalyst Housing (with a copy to the Leadership Team) setting out the Committee's recommendations that Catalyst work closely with the Council in the coming weeks to look again at the plans to see if they can be changed to save some of the trees and that there be meaningful engagement with residents before any new proposals were implemented.

Action by: Governance Services

A5. GRENFELL ENVIRONMENTAL CHECKS STAGE 2

Stephen Brown, Director of Public Protection, and Rebecca Brown, Environmental Quality Team manager, attended the meeting for this paper. The report provided an update on the Stage 2 Environmental checks programme overseen by the Multi-Agency Partnership (MAP) and coordinated by the Ministry of Housing, Communities and Local Government (MHCLG).

Stephen Brown commented that the levels of chemicals found in Stage 1 were typical of those generally found in London and other urban areas. As set out in the report, this included some pollutants which, while they were detected above

their recognised generic screening values, were not at high enough concentrations to be considered to cause an 'unacceptable risk' referred to under the statutory regime. However, MAP had recommended proceeding with Stage 2 to further reduce the level of uncertainty about health risks and the Government endorsed this approach. Results were likely in January 2021.

Rebecca Brown added that the Council was following the process set out in the Environmental Protection Act.

Cllr. Mason said as the fire was more than three years ago the soil may no longer be contaminated so local people should be tested for contamination and given toxicology tests. Cllr. Blakeman and David O'Connell added their concerns about contaminants breathed in following the fire. Cllr. Rossi agreed and recommended that a paper on health implications be considered at the Adult Social Care and Health Select Committee. She recognised that given the current pandemic any testing by the NHS may be delayed.

Cllr. Chauhan asked if the testing in Stage 2 was bespoke. Stephen Brown said that it was unusual to go to this depth and specifically search for contaminants resulting directly from the fire. Stage 2 was a bespoke testing programme. He added that he would discuss toxicology tests with Public Health England.

The report was received and noted.

The Committee RECOMMENDED -

(i) That officers explore with Public Health England the possibility of toxicology tests;

Action by: Stephen Brown

(ii) That officers report on health implications to the Adult Social Care and Health Select Committee; and

Action by: Stephen Brown

(iii) That a further update report be brought to the OSC once Stage 2 sampling results were available.

Action by: Stephen Brown/Scrutiny officers

A6. UPDATE ON THE COVID-19 FINANCIAL POSITION

Cllr. Weale and Taryn Eves, Director of Financial Management, attended for this paper. Taryn Eves drew attention to the following key figures:

£36m pressure on the General Fund in the current year.

£1.5m pressure on the Housing Revenue Account.

£11.2m deficit currently forecast in 2020/21.

Government funding included £16.3m in grants and a further £9m income compensation. Budgetary pressures were likely to continue into 2021/22. Some reserves may need to be used in the short-term but these could only be used once and were not for recurring expenditure.

Referring to paragraph 5.1, Cllr. Hammond asked which underspends had not been impacted by Covid-19 and could be used to support the overall financial position. Taryn Eves said that some of the capital programme had been paused and the Council was borrowing less than normal. Some of the £5m corporate contingency could also be used.

On the importance of the wider economy, Cllr. Weale drew attention to Cllr. Faulks' work to protect the prosperity of the borough's shopping streets.

Cllr. Mason referred to paragraph 2.4 where it stated the Collection Fund was estimated to have a deficit of £11.2m as a result of reduced collection of Council Tax and Business Rates. He asked if the Government refunded uncollected Business Rates. Taryn Eves said that the Council usually collected £370m in Business Rates. The 2020 Spending Review announced that Councils would receive compensation for up to 75% of these losses. The full details were still awaited.

Cllr. Chauhan referred to the table in paragraph 3.2 and asked about the differences between Adult Social Care PPE and non-ASC PPE. Taryn Eves said this was broken down because it was a Government requirement. She undertook to provide Cllr Chauhan with a break down.

Action by: Taryn Eves

Cllr. Lindsay asked about the Lead Member's and officers' biggest worries. Cllr. Weale cited concerns over the recovery of businesses the longer the pandemic continued. Taryn Eves expressed concerns about longer-term behavioural changes caused by the pandemic over which the Council had no control.

The report was received and noted.

A7. INTERIM REPORT OF THE BUDGET WORKING GROUP

The report was introduced by Cllr. Berrill-Cox, Chair of the Working Group. He drew attention to the fact that this was an interim report and comments from the OSC were welcomed before the final report was drafted. The Working Group would be meeting Cllr. Weale again before it concluded its investigations.

Cllr. Lindsay asked whether current savings had been achieved. Taryn Eves said that some savings had been deferred to the following year and others may be unattainable. Following comments by Cllr. Pascall, it was noted that structural changes within the Council were being considered as part of the 'spans and layers' review. It was agreed that the Working Group should look at benchmarking its findings with other local authorities.

Action by: Scrutiny Manager

Referring to digital inclusion, Cllr. Mason emphasised the need for all residents to have access to services. Cllr. Weale confirmed that there were no plans for radical reforms of the way in which services were delivered and she was fully aware of the need to cater for residents who did not access services online.

RESOLVED -

To note the interim report and the findings made to date by the Working Group.

A8. WORK PROGRAMME

Cllr. Rossi drew attention to paragraph 2.4 which set out the forward programme for OSC meetings in 2021.

The chairs of the Select Committees – with Cllr. Hammond speaking to the Housing and Communities SC forward programme - then provided updates on the work programmes for their committees.

It was noted that Jacqui Hird was arranging training for members of Select Committees on scrutiny questioning. Cllr. Rossi reminded members that the Centre for Public Scrutiny (CfPS) survey of scrutiny at RBKC was nearing conclusion. She asked members to speak to Jacqui Hird if they wished to talk to Ed Hammond at the CfPS.

RESOLVED –

That the scrutiny work programmes be approved.

A9. THE FORWARD PLAN AND KEY DECISION TRACKER

Cllr. Mason questioned the reason for urgency of the key decision on the Kensington High Street cycle lane. Cllr. Rossi explained the reason for agreeing that the decision should be taken under urgency provisions was to assist shops in the High Street and to reduce gridlock. She was very aware of the strength of feeling of residents who wanted it removed, but at the time was not aware of the opposition from cyclists (not necessarily resident) who wanted it to remain. She had received one email from a cyclist who lived in Chiswick.

Cllr. Rossi advised the Committee that officers were currently developing a revised template for the Forward Plan Report to be included in the Overview and Scrutiny Committee agendas as the mechanism for selecting those key decisions that require more detailed scrutiny. This would be circulated for comment shortly.

Action by: Scrutiny Manager

Cllr. Pascall provided an update on three key decisions identified at the previous OSC meeting for further scrutiny by the Environment Select Committee:

- 05713 Housing sustainability and fuel poverty strategy – a copy had just been received and would be scrutinised;
- 05456 RBKC website audit – this was due for scrutiny in January;
- 05651 Parks and landscape maintenance contract award – this had been discussed at Committee prior to the publication of the key decision.

The Committee discussed the following key decisions in the Forward Plan:

- Grenfell Recovery - Additional Funding to Schools for Emotional Support (05677/20) (page 29) – request that more information be provided to the Family Services Select Committee;
- Funding for provision of Youth Services (05379/20) (page 30) - request that more information be provided to the Family Services Select Committee;
- Greening Supplementary Planning Document (05806/21) (page 55) – noted that this had been delayed but had been discussed by the Environment Select Committee.
- Biodiversity Action Plan (05685/20) (page 57) – request for more information be provided to the Environment Select Committee.

Action by: Governance Services

OTHER MATTERS

No other matters were raised.

EXCLUSION OF THE PRESS AND PUBLIC

There were no matters requiring the exclusion of the press and public from the meeting.

The meeting ended at 9.25pm.

Chair