

**IN THE FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case ref: LON/00BJ/LSC/0286

In the Matter of: The Landlord and Tenant Act 1985; Section 27A

B E T W E E N:

**THE MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF WANDSWORTH**

Applicant/ Landlord

and

**VARIOUS LEASEHOLDERS OF
100 HIGH-RISE RESIDENTIAL BLOCKS
IN THE LONDON BOROUGH OF WANDSWORTH**

Respondents/ Leaseholders

APPENDIX [5 – Minutes of FCROSC meeting 29.06.17]

**TO THE STATEMENT OF CASE
ON BEHALF OF
THE LONDON BROUGH OF WANDSWORTH**

Minutes of a meeting of the Finance and Corporate Resources Overview and Scrutiny Committee held at the Town Hall, Wandsworth, SW18 2PU on Thursday, 29th June, 2017 at 7.30 p.m.

PRESENT

Councillor Mrs. Hampton (Chairman); Councillor McDonnell (Deputy Chairman); Councillors Carpenter, Critchard, Daley, Dawson, Gibbons, Martin D. Johnson, Peterkin and Thom.

In attendance: Councillor Mrs. Caddy (Cabinet Member for Employment, Skills and Business Development), Councillor Hogg (Leader of the Opposition), Councillor Salier (Cabinet Member for Housing) and Councillor Senior (Cabinet Member for Finance and Corporate Resources).

APOLOGIES

Apologies for absence were received from Councillors Heaster and McCausland.

The Committee proceeded to consider the business set out on the agenda for their meeting (a copy of which is interleaved, together with a copy of each of the supporting papers).

Minutes - 22nd February 2017

On item 1 it was –

RESOLVED – That the minutes of the previous meeting of the Committee, held on 22nd February 2017, be confirmed and signed as a correct record.

The minutes were then signed by the Chairman.

Declarations of Interests

On item 2, the Chairman asked if any Member needed to declare any disclosable pecuniary interests or other relevant interests in any of the matters to be considered at the meeting.

Councillor Senior declared a non-pecuniary interest in agenda item 3 insofar as he is a Director of Battersea Arts Centre.

No other declarations were made.

ORDER OF PROCEEDINGS

Upon the proposal of the Chairman, the Committee agreed to deal with agenda item 23 next before proceeding to item 3 onwards.

Fire safety in high rise blocks (Paper No. 17-243)

On item 23, as provided for under section 100b(4)(b) of the Local Government Act 1972, the Chairman stated that she was of the opinion that this report should be considered at the meeting as a matter of urgency, by reason of special circumstances which were that decisions, including financial and budgetary matters, were required without delay in order to give practical effect to the proposals being made to the Executive at its meeting on 3rd July 2017 (Paper No. 17-239) to address fire safety in the Council's high rise residential blocks.

The Director of Housing and Regeneration then introduced the report (Paper No. 17-243). Lengthy discussion ensued, in the course of which Members emphasised that communications with residents about this matter needed to be in the clearest possible terms. Also, the officers undertook to ensure that the Opposition Speaker on the Housing and Regeneration Overview and Scrutiny Committee was afforded the opportunity to comment on the proposed Standing Order No. 83(A) authorisation prior to it being authorised.

On this basis, it was –

RESOLVED (unanimously) - That the recommendations to the Executive in paragraph 3 of Paper No. 17-243 be supported.

Petition from Ritherdon Road Traders Association (Paper No. 17-223)

On item 3, in response to a question from Councillor Critchard with regard to free parking (paragraph 8(a) of Paper No. 17-223), the officers undertook to give consideration to the possibility of allowing a reduced parking charge to encourage people to come and shop in the locality – possibly on the lines of a scheme in Tooting – as supported by Councillor Mrs. Caddy (Cabinet Member for Employment, Skills and Business Development). Councillor Senior (Cabinet Member for Finance and Corporate Resources) observed that, whilst he did not disagree with Councillor Mrs. Caddy, it was worth noting that changing parking regimes could be complicated.

With regard to paragraph 8(e), Councillor Dawson commented that, whilst signage clutter should be reduced wherever possible, the judicious use of banners once in a while might be acceptable.

It was then –

RESOLVED – That the recommendation to the Executive in paragraph 2 of Paper No 17-223 be supported.

Discretionary Business Rate Relief Scheme (Paper No. 17-224)

On item 4, Councillor Senior (Cabinet Member for Finance and Corporate Resources), having declared a non-pecuniary interest in Battersea Arts Centre at the commencement of the meeting, took no part in the discussion.

The Chairman drew attention to the comments of the Trustees of Battersea Arts Centre on Paper No. 17-224, and the officers' response - which had been sent to all Members of the Committee and the Executive.

After a short discussion, it was -

RESOLVED – (a) That the comments of the Trustees of Battersea Arts Centre on Paper No. 17-224, and the officers’ response, be noted; and

(b) that the recommendations to the Executive in paragraph 2 of Paper No. 17-224 be supported.

Report of the Nine Elms Vauxhall Strategy Board - 7th April 2017 and development of a new health care facility at Sleaford Street, SW8 (Queenstown) (Paper No. 17-225)

Correction:

Paragraph 35 – page 30 – item (c) was corrected to read (corrections in bold):

(c) the total cost of the lease acquisition (**down payment**) and fitting out **design fees** would

On item 5, after a short discussion, it was -

RESOLVED – That the recommendations to the Executive in paragraph 2 of Paper No. 17- 225 be supported.

Annual review of housing resources and commitments including review of the Council's acquired sales policies in 2017/18. (Paper No. 17-175)

On item 6, there was a short discussion in the course of which, in response to a question from Councillor Carpenter, the Assistant Director of Housing and Regeneration (Housing Services) advised that as homelessness duties were statutory it would be necessary to allocate further funds if necessary.

It was then –

RESOLVED – That the recommendations to the Executive in paragraph 3(q)-(s) of Paper No. 17-175) be supported (by 6 votes to 4 in the case of (s)), subject to it being noted that, as homelessness duties are statutory, it will be necessary to allocate further funds if necessary.

Progress report and proposed Committee's top-line indicators, corporate objectives , targets and Key Issues for 2017/18 (Paper No. 17-226)

Corrections:

(i) On page 9 of 66 (second item – London Growth Deal), the Progress comment was corrected to read (changes in bold):

“The Economic Development Office has **provisionally** agreed with the GLA London Enterprise Partnership team to roll forward NHB spend into 2017/18. **This will need to be formalised by a Deed of Variation under the Standing Order No. 83(A) procedure.** This is due to

- (ii) On page 41 of 66 (first item – No. of social media followers as % of total resident population): The proposed target for 2017/18 was corrected from 6.5% to 7.2%.

On item 7, in the course of the Committee's review of each page of Paper No. 17-226, Councillor Daley drew attention to what appeared to be mis-categorisations in several of the Red Amber Green ("RAG") performance ratings of indicators (on pages 12–22 of 66). The Assistant Chief Executive (Policy and Performance) undertook to investigate these and to advise Members accordingly. (See Post-meeting Note (1) below)

Regarding page 3 of 66 (Self-Service Portal for Council Tax and Parking Permits), in response to a question from Councillor Critchard, the Assistant Chief Executive (Customers and Partnerships) advised that the Parking Portal was 'live'. [See Post-meeting Note (2) below.]

Other matters arising in the discussion on Paper No. 17-226 were as follows:-

- (a) Wandsworth Bridge floodlighting (page 8 of 66): In response to a question from Councillor Thom, it was noted that it was not known when the Mayor of London's river lighting review would be completed;
- (b) Wandsworth Credit Union (page 13 of 66): In response to a suggestion by Councillor Critchard, it was agreed that, subject to the future of the Credit Union, all Members of the Council be reminded of the facilities available from them;
- (c) No. of residents accessing training (page 15 of 66): In response to a question from Councillor Critchard, it was agreed that consideration be given to reporting to committee on appropriate end-of-year information concerning job numbers, courses, customised training, apprenticeships and related information linked to workmatch aspirations, etc.;
- (d) % of contact by web (page 46 of 66): In response to a question from Councillor Critchard, this was clarified to read: "Percentage increase in transactions carried out via self-service"; and
- (e) Key issues: in response to a suggestion from Councillor Dawson, the Committee agreed that the Executive should be recommended to add 'Planning for Civil Emergencies' to the list of Key Issues in Appendix 2 – see also agenda item 12 (Paper No. 17-231) below;

Councillor Carpenter expressed concern that there were too many top-line performance indicators. [See Post-meeting note (3) below]

It was then –

RESOLVED – (a) That the recommendation in paragraph 2(a) and (e) of Paper No 17-226, as corrected, be approved; and

(b) that the recommendations to the Executive in paragraph 2(b) – (d), as corrected, be supported, subject to the addition of 'Planning for Civil Emergencies' to the list of Key Issues in Appendix 2.

[Post-meeting notes

- (1) By the Assistant Chief Executive (Policy and Performance): The main cause of the confusion was the wording of the 'Key' on page 12 which had not been updated to the new RAG rating system for assessing topline indicator performance results that was authorised under the Standing Order No. procedure in October 2016 (E No. FCR 609). The definition of 'Green' performance had been amended so that an indicator can be rated Green if it is within 2% of target. This new scheme provides small tolerances for Green indicators, but leaves the threshold for red-rated indicators the same. Thus the Key on page 12 *should* have read :-

OPA – Overall performance assessment

A traffic-light assessment (Red – Amber – Green – RAG) has been conducted for each indicator in the table below. This assessment is based on the following rules:

- (a) Target met within 2% – GREEN
- (b) More than 2% and up to 5% off target – AMBER
- (c) More than 5% off target – RED

The RAG ratings across all five June OSC Progress Reports (around 250 indicators in total) have been reviewed. This highlighted two indicators that were rated Green in error, both featuring in Paper No.17-226 to the Finance and Corporate Resources OSC:-

- (i) Row 13: % point gap between rate of people claiming out of work benefits at end of period in Wandsworth vs the average for London. This indicator measures the relative gap in performance, with Wandsworth's position relative to London declining slightly during the first half of the period; and
- (ii) Row 34: % investment portfolio rent arrears as % collected in the financial year. Performance has improved significantly over the year, but the ambitious target was missed by more than 2%

The Council's end-of-year performance is published online as part of the "Virtual Corporate Business Plan" and these corrections have been made for that. Steps are being put in place to minimise future errors.

- (2) By the Assistant Chief Executive (Customers and Partnerships): The Parking Portal is 'live' in terms of the current online access to the permit applications but not the payment system. Paper No. 17-226 noted that the payment system was due to go live in July 2017, which was correct at the time of publishing. This date has since slipped and the anticipated implementation date is now August/September 2017.
- (3) By the Assistant Chief Executive (Policy and Performance): In response to Councillor Carpenter's question at the Committee meeting, it can also be confirmed that there has been a net reduction of around 10 top-line indicators for 2017/18 compared with 2016/17.

(4)

Proposals for 'Wave 4' of the Wandsworth Local Fund (Neighbourhood Community Infrastructure Levy) (Paper No. 17-227)

On item 8, after discussion, it was agreed that the process for consulting on, planning and managing the spending programme for monies received from the Neighbourhood CIL needed to be kept under careful review, including consideration of the allocation of funds for Borough-wide schemes and the extent to which any available funding should be integrated into the General Capital Programme.

On this basis, it was -

RESOLVED – That the recommendation to the Executive in paragraph 2 of Paper No. 17-227 be supported.

Report of the Grants (Overview and Scrutiny) Sub-Committee held on 12th June 2017 (Paper No. 17-228)

Item 9 was received as information.

Operation of the Wandsworth Grant Fund and the Grants (Overview and Scrutiny) Sub-Committee (Paper No. 17-229)

On item 10, Councillor Carpenter commented that some organisations found that the process of applying for grant funding could be challenging, resulting in late submissions. In response, the Chairman confirmed that much work had been done over the past 12 months to make the process easier for the voluntary sector and that Sub-Committee Members had worked hard, with officer help, to facilitate this. Also, she said that Members of the Sub-Committee and the officers would continue to look at ways of simplification but that the required information was similar to that requested by all funders. Upon her suggestion, it was agreed that consideration should be given to making more help available to smaller groups at the application stage.

It was then –

RESOLVED – That the recommendation to the Executive in paragraph 2 of Paper No. 17-229 be supported.

Responses to Government on Draft Airports National Policy Statement and Future Airspace Strategy (Paper No. 17-230)

On item 11, upon the suggestion of Councillor Carpenter, the Committee thanked the officers concerned for the extensive amount of work done on this matter.

It was then –

RESOLVED – That the recommendations to the Executive in paragraph 2 of Paper No. 17-230 be supported.

Shared Staffing Arrangement - Progress (Paper No. 17-231)

On item 12, during the course of discussion -

(a) with regard to the Chief Executive's targets for 2017/18 (referred to in Appendix 2 of Paper No. 17-231), upon a suggestion from Councillor Dawson, it was agreed that these should include 'Planning for Civil Emergencies' so as to reflect the additional Key Issue to be added in respect of agenda item 7 (Paper No. 17-226) earlier in this meeting; and

(b) arising from questions by Councillor Critchard, the officers were requested to consider putting more detail into elements of the Staffing Equalities Impact Needs Analyses (EINA), particularly in relation to staff with disabilities, so that, where possible and appropriate, it included more explanation of action to address the results of such analysis.

It was then -

RESOLVED – That the recommendations in paragraph 1 of Paper No. 17-231 be approved.

Members' allowances (Paper No. 17-232)

On item 13, Councillor Carpenter said that the Opposition did not wish to support the proposed Members' Allowances Scheme for 2018/19 because the Council elections scheduled for 3rd May 2018 might result in the newly elected Council wishing to adopt a fresh Scheme.

It was then –

RESOLVED – That the recommendations in paragraph 1 of Paper No 17-232 be approved (by 6 votes to 0 – Councillors Carpenter, Daley, Critchard and Gibbons abstained – in the case of (c)(ii)), for recommendation to the Council in the case of (c).

Finance Department/Resources Directorate: Performance and review for 2016/17. (Paper No. 17-233)

Item 14 was received as information.

Council's financial results for year ended 31st March 2017 (Paper No. 17-234)

On item 15, Councillor Carpenter expressed concern that the Capital Budget for 2016/17 was underspent by £31.4m, which he believed to be approximately 35%, and that there appeared to be a continuing trend of significant underspending of the Capital Budget resulting in the need for improved programming so that the Council's Capital resources were used in a timely fashion. In response, the Director of Resources confirmed that profiling of the budget was under way with a view to addressing this in his report to the Committee and the Executive in January 2018.

In response to questions from Councillor Carpenter, Councillor Dawson (a Joint Chairman of the Education and Children's Services Overview and Scrutiny Committee) explained some of the issues surrounding the continuing high level of expenditure on Children's Services and the important initiatives that were needed, following which the Committee noted that these matters were being examined by the Education and Children's Services Overview and Scrutiny Committee.

It was then –

RESOLVED – That the recommendations to the Executive in paragraph 3 of Paper No. 17-234 be supported.

Medium Term Financial Strategy (Paper No. 17-235)

On item 16, Councillor Daley, referring to page 6 of 23 in Paper No. 17-235 (Budget reductions or use of reserves needed in future years to maintain Council tax increase within 3.99%), expressed concern regarding the uncertainties over continued Government funding and the review of Local Government Finance. In this connection, the Director of Resources advised that the local authority sector as a whole had seen a dramatic reduction in Government funding (specific, formula and area based grants) since 2010; for instance, although the four year deal relating to the Settlement Funding Assessment (SFA) gave certainty until 2019/20, there was still an overall reduction of over £17.5 million over the four years to 2019/20; this level of budget reduction was in addition to the £140 million of savings already delivered by the Council since 2010 and took no account of the cost of inflation. He advised that the Government position regarding Business Rates and funding for Adult Care services remained uncertain.

Councillor Carpenter said that he was opposed to the overall contents of the proposed Strategy on the grounds that, if the present Opposition constituted a majority on the Council, they would adopt different spending plans.

It was then -

RESOLVED – (by 6 votes to 4) That the recommendation to the Executive in paragraph 2 of Paper No. 17-235 be supported.

Treasury Management in 2016/17 and 2017/18 (Paper No. 17-236)

On item 17, after a short discussion, it was –

RESOLVED – That the recommendation to the Executive in paragraph 2 of Paper No. 17-236 be supported, for recommendation to the Council.

Proposed budget variations (Paper No. 17-237 Revised)

On item 18, it was noted that it had become necessary to revise Paper No. 17-237 in order to reflect the budgetary proposals set out in agenda item 23 (Paper No. 17-243).

It was then -

RESOLVED – That the recommendations to the Executive in paragraph 3 of Paper No, 17-237 (Revised) be supported (by 6 votes to 4 in the case of the Budget Variation in respect of Annual Housing Resources and Commitments (Paper No. 17-175)) – for recommendation to the Council in the case of (b).

The Council's major property disposals, acquisitions and developments. (Paper No. 17-238)

Correction:

On page 1 of 5, (item 1), “Alderwood School” was corrected to read “Alderbrook School”.

On item 19, the officers undertook to inform Councillor Dawson of the latest position regarding the snagging works to Alderbrook School.

Item 19 was otherwise received as information.

Proposed Joint Venture for delivery of Winstanley-York Road Regeneration Project , SW11 (Latchmere) (Paper No. 17-174)

On item 20, Councillor Carpenter welcomed the report and it was then -

RESOLVED – That the recommendations to the Executive in paragraph 2 of Paper No. 17-174 be supported, bearing mind the exempt information contained in Paper No. 17-174A.

Exclusion of press and public

On item 21, it was –

RESOLVED – That under Section 100A(4) of the Local Government Act 1972, members of the public and press be excluded from the meeting whilst item 22 is being considered, because it is likely that exempt information as described in paragraph 3 of Part I of Schedule 12A to the Act would be disclosed to them if they were present; and it is considered that, in all the circumstances of case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Proposed Joint Venture for delivery of Winstanley-York Road Regeneration Project , SW11 (Latchmere) (Cont'd) (Paper No. 17-174A)

Item 2 was received as information.

Fire Safety in High Rise blocks (Paper No. 17-243)

Item 23 had been dealt with immediately after item 2.

The meeting ended at 9.28 p.m.