

**ITEM 12**

**PAPER NO. WRWA 884**

## **WESTERN RIVERSIDE WASTE AUTHORITY**

<b>MEETING</b>	15 <sup>th</sup> July 2019
<b>REPORT AUTHOR/DATE</b>	Clerk and Treasurer <i>(Contact Chris Buss or Martin Walker - Tel. 020 8871 2788)</i> 5 <sup>th</sup> July 2019
<b>SUBJECT</b>	London Living Wage
<b>CONTENTS</b>	Page 1      Introduction Page 1      Legal Position Page 2      Next Stops Page 4      Appendix - Research on three constituent councils position on the London Living Wage
<b>STATUS</b>	Open
<b>BACKGROUND PAPERS</b>	None

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## Introduction

1. Following the Authority meeting on 30<sup>th</sup> January 2019 a request was received from an Authority Member, Councillor Clark, that an item be brought to the next ordinary meeting of the Authority on what the additional costs might be for the London Living Wage (LLW) to be paid to all sub-contracted employees working directly on Authority services.
2. The Authority is not registered as a LLW employer, but all its own employees receive remuneration above the LLW level.
3. On 4<sup>th</sup> February 2019, officers contacted Cory Riverside Energy (CRE), who provide all waste management services to the Authority, to ask if it paid the LLW to its employees and whether or not it required the same of its sub-contractors. The request and Cory's response are attached as Appendix A to Paper Number WRWA 884A elsewhere on this agenda.
4. CRE is not a registered LLW employer but, like the Authority, all of its employees are paid at rates above the LLW. CRE does not require its sub-contractors to pay the LLW, but it has supplied information to the Authority on what the cost would be for its sub-contractors, who work on the Authority's services, to be paid the LLW.
5. Officers then researched what the position of the four constituent councils is with respect to the LLW and, if they were LLW employers, on what legal basis had they adopted that position. Officers could find no detailed papers on Hammersmith & Fulham's or Wandsworth's website, but the results of the research on the other two constituent councils is attached as an appendix to this paper.
6. All four constituent councils are LLW employers and, with the exception of Wandsworth, have a general policy of requiring their sub-contractors to be so as well. From the constituent councils' committee reports it was difficult to ascertain as to exactly what powers each had used to justify their adoption of the LLW. However, in Lambeth's case, it is implied (but not expressly stated) that it had relied on its powers of 'General Competency' derived from Section 1 of the Localism Act 2011.

## Legal position

7. Officers were already aware that the Authority is not covered by Section 1 of the Localism Act 2011, meaning that it could not rely on the powers within that Act if

it wished to implement the LLW. Officers therefore decided that legal advice should be sought on exactly what powers the Authority has in this regard. To better inform that advice, officers also researched the information available on the LLW website.

8. The legal advice received is attached as Appendix B to Paper Number WRWA 884A. In summary, the advice is that the Authority would have to prove that it met both its common law fiduciary duty, as set out in the case of Roberts v Hopwood, and its statutory best value duty, as set out in section 3(1) of the Local Government Act 1999. The latter has additional statutory guidance which provides that the Authority should consider the overall value, including economic, environmental and social value factors, when reviewing service provision.
9. The legal advice is quite clear in its conclusion that, in the absence of the statutory provision available to the constituent councils in the Localism Act, the Authority does not have a prima facie case to adopt the LLW, unless it can substantiate an economic, environmental or social value reason for incurring the additional cost which a move to the LLW would incur.
10. On current evidence, the Authority could not meet either its fiduciary or best value duties and, accordingly, any decision to implement the LLW would be subject to potential challenge under both.
11. On the basis of the commercial facts and the detailed legal advice set out in the appendices to the restricted "A" paper, the Treasurer would, if the Authority decided to implement the LLW, be under a duty to issue a Section 114 notice under the Local Government Act 1988, as the Authority would be making a decision to commit to unlawful expenditure.

### Next Steps

12. In the context of the legal advice received, if the Authority wishes to adopt the LLW for itself and its contracts, it will need compelling evidence that there are real economic, environmental and social benefits in doing so that would result in a benefit to the Authority itself. As a single purpose Authority, this is difficult to prove as the legal advice intimates. It is perhaps also something which is difficult to achieve, at a level which will avoid the potential for legal challenge, mid-contract and, in light of this, it is suggested that no further action be taken at the current time, but the situation be kept under review should one of the following circumstances occur: firstly, that the legal position changes with regard to the Authority's ability to implement the LLW, either due to statute or case law; secondly, that the commercial position changes so that Cory's current position on

workforce retention, as set out in Appendix A of the restricted paper, changes; or, thirdly, that the Authority commences retendering the services.

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C. Buss  
TREASURER

M. Walker  
CLERK

Western Riverside Transfer Station  
Smugglers Way  
Wandsworth SW18 1JS

5<sup>th</sup> July 2019

**Cabinet**

22 October 2012

**London Living Wage**

All wards

**Cabinet Portfolio:**

Cabinet Member for Finance & Resources: Chief Executive:  
Councillor Paul McGlone

**Report authorised by:**

Derrick Anderson

**Executive summary**

At its meeting on 9 July 2012 Cabinet considered a report from the Cabinet Member for Finance & Resources on Total Facilities Management and London Living Wage. This report set out the Labour administration's commitment to tackling low pay and its ambition to become accredited as a London Living Wage Employer. Cabinet asked officers to come back to Cabinet on 22 October 2012 with a policy paper on the London Living Wage. This paper will allow consideration of the wider context and the approach to meeting the criteria laid down by the Living Wage Foundation and Citizens UK for the Council to be awarded a full Accreditation Licence as a Living Wage Employer.

**Summary of financial implications****Recommendations**

- (1) To agree that Lambeth Council becomes a London Living Wage employer as set out in this report and endorse the overall approach to accrediting Lambeth as a London Living Wage Employer.
- (2) To request and receive half yearly reports updating the current position on meeting the requirements of the accreditation

**Consultation**

<b>Name of consultee</b>	<b>Department or Organisation</b>	<b>Date sent</b>	<b>Date response received</b>	<b>Comments appear in report para:</b>
Cllr Jackie Meldrum	Deputy Leader	21/09/12	-	
Councillor Paul McGlone	Cabinet Member Finance & Resources	21/09/12	10/10/12	
Derrick Anderson	Chief Executive	21/09/12	09/10/12	
Mike Suarez	Executive Director Finance & Resources	21/09/12	05/10/12	
Mark Hynes	Director of Governance & Democracy	21/09/12	09/10/12	
Tim Stephens	Democratic Services	24/09/12	25/09/12	

## Appendix A

Eugene McLaughlin	Head of Procurement	21/09/12	05/10/12	
Alison McKane	Principal Lawyer - Governance	24/09/12	26/09/12	4.1
Keith Marshall	Procurement Manager – Development	24/09/12	24/09/12	

### Report history

<b>Decision type:</b> Key decision (general exception procedure)		<b>Key decision: reason</b> <b>EITHER a)</b> expenditure or savings of <input type="text"/> £500,000 or more <b>OR/AND: b) proposal affects significantly two or more wards</b> <input type="text"/>		
<b>Authorised by Cabinet member:</b>	<b>Date report drafted:</b>	<b>Date report sent:</b>	<input checked="" type="checkbox"/>	<b>Report deadline</b>
10.10.12	18.09.12	11.10.12		30.09.12
<b>Report no.:</b>	<b>Author</b>			
129/12-13	Nana Amoa-Buahin – Divisional Director of HR&OD 020 7926 6880 namoa-buahin@lambeth.gov.uk			

### Background documents

London Living Wage Employer Accreditation Licence  
Cabinet (09.07.12): report from Councillor Paul McGlone

### Appendices

None.

### London Living Wage

## 1. Context

- 1.1 The Labour Administration has made a public commitment to work with the Living Wage Foundation and Citizens UK to become a fully accredited London Living Wage employer. In order to achieve this the Council needs to agree a policy position, one which sets out its aspirations, in particular in the area of procurement and the contracting and sub contracting of services, not just for the Council but also by schools within the borough and our Arms Length Management Organisation, Lambeth Living.
- 1.2 The London Living Wage (LLW) is the hourly rate of pay that GLA Economics calculate and announce every November. It was introduced in 2005 and takes into account the higher cost of living in the capital and the rate of inflation, which is needed to be paid to someone to allow them an acceptable standard of living above the poverty threshold. It is defined by GLA Economics as “a wage that achieves an adequate level of warmth and shelter, a healthy palatable diet, social integration and avoidance of chronic stress for earners and their dependants”.

## 2. Proposals and reasons

### 2.1 Meeting the Living Wage Criteria

2.1.1 Living wage employer accreditation is managed by Citizens UK and provides employers with a licence to display the Living Wage Employer mark. The accreditation process is open to employers who are either already paying the living wage or those who are committed to an agreed timetable of implementation. There are significant benefits to LLW accreditation. For example, employers who implement the Living Wage have reported improved recruitment and retention of staff, higher worker morale, motivation and productivity in addition to the reputational benefits of being an ethical employer. Accredited Living Wage Employers are recognised at the annual Living Wage Awards. The first annual week long celebration of the Living Wage and Living Wage Employers takes place between 4 and 10 November 2012 and it is intended that the Council is officially awarded formal accreditation prior to this.

2.1.2 In order to gain accreditation an employer needs to meet the following criteria within 3 months of the formal signing of the Accreditation Licence:

- Ensure that all directly employed staff over the age of 18 (other than apprentices or interns) are paid no less than the Living Wage.
- Increase the amount paid to employees by the same amount as any increase to the Living Wage, within 6 months of the date on which any increase in the Living Wage is officially announced.
- Notify all affected employees of the date of the next increase within one month of the official announcement.



2.1.3 For staff employed by contractors and sub contractors, the Council will need to ensure that the measures in para 2.1.2 above are implemented within an agreed period of time after the formal signing of the Accreditation Licence. Employees of contractors and sub-contractors are defined as staff who provide a service to or on behalf of the Council and involving 2 or more hours of work in any given day in a week, for 8 or more consecutive weeks in a year.

### 2.2 Current Position in Lambeth

2.2.1 The Council's Pay Policy Statement lays out the aim that all Council employed staff should receive the London Living Wage (LLW - currently £8.31 per hour) as a minimum. The most recent audit of the Council's workforce shows that 6 trainee social workers in ACS are paid below LLW at £8.23 per hour and 3 cleaners in CYPs at £6.38 per hour x 1 and £6.20 per hour x 2. Work is underway to review the rationale for these payments and bring them in line with LLW. All other staff are paid at the LLW or above.

2.2.2 All staff directly employed by Lambeth Living are paid at the LLW or above with the exception of 7 apprentices who are paid at £4.93 per hour. Please note that the commitment to LLW excludes apprentices.

2.2.3 There are 49 staff (mostly cleaners but also some breakfast club staff and midday supervisors) employed directly across 9 schools paid through the Council's payroll service who are paid less than the LLW. Work is underway with governing bodies to review these roles.

2.2.4 The procurement of the Total Facilities Management contract will deliver the Council's first contracted service guaranteeing the LLW to 154 staff working on Council contracts.

2.2.5 The corporate procurement team are currently drawing together data on the pay rates of contractors providing services for or on behalf of Lambeth Council. An exercise was carried out about 1 year ago to quantify the "gap" between Council contractors' wage rates and London Living Wage. Previous estimates had indicated that the overall cost of applying the LLW across all contracted services would be in the region of £8m per annum which includes estimated costs of c£5m in social care categories of spend. The estimates are currently being reviewed to reflect wage rates in recently let contracts (e.g. Total FM) and also in an effort to break down potential costs across the different sectors of the Council's operations.

### 2.3 Becoming a Living Wage Employer

2.3.1 The accreditation process is a useful tool to help the Council become a Living Wage Employer. The Living Wage Foundation suggest the following work plan towards implementation:

- Securing support at senior level, including at Council leadership and senior management team level

- Assembling a small team of key people who can practically implement the Living Wage for the Council (this to include representatives from procurement, legal, policy and HR).
- Reviewing rates of pay for directly employed staff and developing a plan to bring pay in line with the Living Wage where appropriate.
- Reviewing rates of pay for relevant contracted staff and developing a set of achievable milestones to ensure the Living Wage is implemented. These milestones would then be included in the accreditation agreement.
- Signing the accreditation licence document.
- Promoting the Living Wage Employer accreditation internally and externally.

### 2.4 Milestones

2.4.1 A number of actions are currently underway in relation to directly employed staff. However there are a number of milestones to be reached if the Council is to successfully implement London Living Wage amongst contractors' and subcontractors' staff. The milestones include:

- reviewing the council's procurement arrangements to identify opportunities to pay Living Wage on new contracts including on contracts where LLW is not currently paid. The review would best be done at the point of re-letting or tendering for new contracts with a requirement that contractors bidding for the work include within their bid, prices which reflect a minimum of London Living Wage.
- reviewing the council's current contracts to establish which ones need to be upgraded to meet Living Wage criteria.
- inviting discussions with current contractors to identify possible variations to existing contracts to meet Living Wage requirements. Depending on the outcome of those discussions, then setting a timetable for implementation.
- monitoring existing contracts to ensure that they continue to pay the Living Wage, including after contractual uplifts and also when London Living Wage has been adjusted.
- encouraging all schools governing bodies to adopt the LLW for their directly employed staff. This includes working with schools, particularly through the Schools Forum to pursue the Living Wage agenda when procuring through traded services or individual schools business.
- working with Lambeth Living on developing opportunities from the large framework contracts supplying capital works, responsive and reactive repairs and any contracted tenancy services.

It is recommended that these milestones are included in the Council's LLW implementation plan.

### 2.5 Challenges

#### 2.5.1 Some of the key challenges are:

- **Meeting costs:** for some contracts there will be cost implications for Council contractors to bring their pay in to line with the LLW. This will pose challenges in different sectors. For example adult social care contractors have the largest group of non LLW- compliant staff.
- **Negotiating contracts:** when negotiating new contracts, it will be necessary to assess on a case by case basis whether it is in the Council's best interests to implement LLW. As an example a supplier from outside London or using staff who are based outside London, may be able to deliver the service without using a LLW contract clause.
- **EU procurement rules:** officers will need to be mindful where an LLW uplift has the potential to vary an existing contract resulting in a breach of EU procurement regulations e.g. there may be challenges from the market citing additional costs not identified at the point of contract award.
- **Timescales:** the review of contracts will require a phased and programmatic approach.
- **Purchasing consortia:** Many of the Council's existing contracts are bought through public sector purchasing consortia. The Council will therefore need to be clear what the consortium's position is in relation to LLW.
- **Social care market:** There are a number of considerations in implementing LLW within social care, particularly in residential care:
  - (i) Frequently residential care placements are made with suppliers where LB Lambeth is not the only customer. It is difficult to disaggregate the cost of a Lambeth placement from that of another customer. This challenge will also occur in other sectors.
  - (ii) There is the issue of service user choice which may include placement in a non LLW compliant establishment.
  - (iii) At the moment many residential placements in particular are made at a crisis point. The introduction of and seeking out LLW compliant organisations could impact on placement decisions.
- **Contracts where LB Lambeth is not the only customer:** LLW implementation will need to consider contracts where Lambeth are not the exclusive client.

### 2.6 Employment opportunities and Apprenticeships for Young People

2.6.1 At the 16 April 2012 Cabinet meeting (Report no 350/11-12) the following resolution was approved:

“That the Cabinet accept and support the Leaders Procurement Pledge on Employment and Skills and the Corporate Procurement Plan for delivering and further incorporating the Pledge into our procurement practices Council”

An Action Plan to address the Procurement Pledge is under development.

- 2.6.2 The Council is committed to providing employment opportunities for local people who are not in work, apprenticeships for young people and also with skills training to help people find work. The emphasis in relation to apprenticeships is on the quality of placement, their duration and the training provided. There is an exception for apprentices and interns included in the Living Wage accreditation. The Council will continue to ensure that hourly rates for apprentices are at least in line with the National Minimum wage rather than the minimum rate for apprenticeships.

### **3. Finance Comments**

- 3.1 The implementation of LLW is likely to have significant financial implications and all future procurements will be subject to affordability. However a recent procurement exercise for Total FM saw the market responding positively and innovatively to the Council’s policy objective with the market coming up with Value for Money solutions.

### **4. Comments from Director of Governance and Democracy**

- 4.1 Section 1 of the Localism Act 2011 gives a local authority the power to do anything which an individual generally may do, subject to any statutory limitations and subject to its general duty to act reasonably.

### **5. Results of consultation**

- 5.1 The Cabinet Member for Finance & Resources and the Deputy Leader of the Council have been consulted and have contributed to the accreditation approach and the timeframe within which the Council hopes to fully implement LLW.

### **6. Organisational implications**

#### **6.1 Risk management:**

A full risk assessment will be undertaken as part of the implementation of the accreditation action plan.

#### **6.2 Equalities impact assessment:**

An equalities impact assessment will be undertaken as part of the implementation of the accreditation action plan

#### **6.3 Community safety implications:**

There are no community safety implications.

**6.4 Environmental implications:**

There are no environmental implications.

**6.5 Staffing and accommodation implications:**

There are no accommodation implications however any impact on staff will be fully assessed and mitigated as part of the implementation of the accreditation action plan.

**6.6 Any other implications:**

As mentioned in section 2.5, there are a number of challenges that will need to be carefully articulated, assessed and mitigated in implementing the LLW.

**7. Timetable for implementation**

7.1 The first action is to ensure that there is proper governance to oversee the implementation of LLW within the Council and with our contractual partners. The key milestones to achieve the full accreditation are outlined in the table below and work is underway to confirm the members of the task and finish group who will be driving this forward.

	<b>Milestone</b>	<b>Start Date</b>	<b>Delivery Date</b>	<b>Action By</b>
1	Sign up for accreditation	End October 2012	4 November 2012	CEX
2	Task and finish group set up	Mid October 2012	End October 2012	CPT
3	Project plan developed by task and finish group	November 2012	December 2012	Task and finish group
4	Report on implementation to SLB	February 2013	February 2013	CPT
5	Review procurement policy to ensure LLW is paid on all new contracts	December 2012	January 2013	Task and finish group
6	Review current contracts to establish which ones fit the living wage criteria	November 2012	January 2013	Task and finish group
7	Discuss potential variations with current contractors to meet LLW requirements	February 2013	April 2013	Task and finish group
8	Monitoring of contracts to check we continue to pay LLW especially after annual uplift	April 2014	Annually thereafter	Contract managers
9	Encourage governing bodies to adopt LLW for their directly employed staff	January 2013		Task and finish group
10	Work collaboratively with schools through the Schools Forum to pursue the LLW agenda through traded services or individual schools business	February 2013		Task and finish group

11	Work collaboratively with Lambeth Living to capitalise on the large framework of contractors supplying capital works, responsive and reactive repairs and any contractor tenancy services.	April 2013		
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## **Cabinet Member Delegated Decision 6 December 2017**

**Report title: London Living Wage and the Environmental Services Contract**

**Wards:** All

**Portfolio:** Councillor Jennifer Brathwaite, Cabinet Member for Housing and Environment

**Report Authorised by:** Sue Foster: Strategic Director for Neighbourhoods and Growth

**Contact for enquiries:** Rachel Robson, Senior Commissioning Officer, Environmental Services, 07785660422, RRobson@lambeth.gov.uk

### **Report summary**

This report sets out the financial and contractual implications of implementing the London Living Wage (LLW) into the Waste, Street Cleansing and Ancillary contract that the council has with Veolia Environmental Services and recommends that it is implemented from April 2018.

### **Finance summary**

The full year cost of bringing all Veolia staff working on Lambeth Waste contracts onto the LLW has been negotiated and mutually agreed between the council and Veolia. It will be implemented through an uplift to the contract with Veolia initially worth £513,000 plus subsequent annual increases in line with changes to the LLW rate until the end of the contract in March 2021. Funding for the initial uplift is available from a previously identified growth item within the Medium Term Financial Strategy.

### **Recommendations**

1. To implement London Living Wage through the Recycling, Waste Collection, Street Cleansing, Ancillary Services and Public Conveniences Contract with Veolia from April 2018 until the contract ends on 31 March 2021.

### **Reasons for Exemption from disclosure**

The accompanying part II report is exempt from disclosure by virtue of the following Paragraphs of schedule 12A to the Local Government Act 1972:

3. Information relating to the financial or business affairs of a particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holder under, the authority.

## **1. Context**

- 1.1 The Recycling, Waste Collection, Street Cleansing, Ancillary Services and Public Conveniences Contract was let in 2007, and expires on 31 March 2021. This was prior to the decision taken by the council to become a London Living Wage (LLW) employer in 2012. The LLW decision extends to all council contractors, including Veolia which delivers the council's Recycling, Waste Collection and Street Cleansing services.
- 1.2 As Veolia did not have an opportunity to factor the LLW into its bid through the procurement process in 2007, Veolia and the council have come to a mutual agreement over how to apportion the financial costs to achieve and maintain LLW from April 2018.
- 1.3 This report relates to the Future Lambeth: Our Borough Plan 2016-2021 and contributes to its objectives to promote inclusive growth and to reduce inequality. It follows the council's decision to become a LLW employer effective from 3 November 2012.

## **2. Proposal and Reasons**

- 2.1 The proposal is to implement London Living Wage through the Veolia contract from April 2018. Council officers have negotiated with Veolia to fully understand the implications of this change in salaries. Full details of the negotiations and positions taken are set out in the accompanying Part II report.
- 2.2 This proposal will bring the Veolia contract in line with the council's decision to become a LLW employer. This is a voluntary scheme accredited by the Living Wage Foundation which sets an independently-calculated living wage every year based on what employees and their families need to live in London.

## **3. Finance**

- 3.1 The full year cost of bringing all Veolia staff working on Lambeth Waste contracts onto the LLW has been negotiated and mutually agreed between the council and Veolia. It will be implemented through an uplift to the contract with Veolia initially worth £513,000 plus subsequent annual increases in line with changes to the LLW rate until the end of the contract in March 2021. Funding for the initial uplift is available from a previously identified growth item within the Medium Term Financial Strategy.
- 3.2 Full financial details of this proposal are found in the accompanying Part II report.

## **4. Legal and Democracy**

- 4.1 The Council has delegated the authority to enact this report's recommendation to the Cabinet Member for Housing and Environment. Before exercising that authority, this paper should be reviewed by the Procurement Board.
- 4.2 The statutory procurement regime applies to the proposed award by virtue of the Public Contracts Regulations 2015. The Regulations allow contracting authorities to negotiate contract extensions where additional services are required from the contractor that through unforeseen circumstances were not included in the original contract. It must be the case that the additional services cannot be technically or economically separated from the original contract without great inconvenience to the contracting authority, or although separable, are strictly necessary for the completion of the original contract. The aggregate value of all contract variations / extensions should not exceed 50% of the value of the original contract.



## Appendix A

4.3 This proposed key decision was entered in the Forward Plan on 20 October 2017 and the necessary 28 clear days' notice has been given. In addition, the Council's Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by the Cabinet Member. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days - the call-in period - must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

### 5. Consultation and co-production

5.1 Veolia Environmental Services has been in consultation with the GMB Union regarding the implementation of LLW across its Lambeth work force.

5.2 Following a decision and agreement on the implementation of LLW Veolia will start consultation with their workforce and Unions to let them know what has been agreed.

### 6. Risk management

Potential Risks	Proposed course of action
Good drivers leave and look for better paid jobs elsewhere, ongoing recruitment, and service implications as new drivers get to know their areas.	Attractive rates will be offer to retain drivers
Unions ask drivers to strike if differential is not maintained which would result in service disruption and reputational damage	The pay rate between drivers and loaders will be negotiated annually by Veolia and the Unions
LLW increases beyond expectation, insufficient budget to cover costs.	This is beyond the council's control

### 7. Equalities impact assessment

7.1 A detailed EIA has not been completed. However, from a socio-economic angle, the proposal to implement London Living Wage will be advantageous to any Veolia staff who currently earn less. The decision will affect around 160 Veolia staff, 45 per cent of whom live in Lambeth and a further 37 per cent of whom reside in neighbouring boroughs.

### 8. Community safety

8.1 There are no Community Safety implications associated with the decisions in this report.

### 9. Organisational implications

9.1 Environmental  
None

9.2 Staffing and accommodation

None

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## 9.3 Procurement

This report was cleared by Procurement Board on Tuesday 7 November.

## 9.4 Health None

10 **Timetable for implementation**

<b>Milestone</b>	<b>Date</b>
Procurement Board	Tuesday 7 November 2017
Decision	6 December 2017
Decision call-in period	6 – 13 December
Implementation of new salaries	1 April 2018

<b>Audit Trail</b>				
<b>Name/Position</b>	<b>Lambeth directorate / department or partner</b>	<b>Date Sent</b>	<b>Date Received</b>	<b>Comments in paragraph:</b>
Councillor Jennifer Brathwaite	Cabinet Member for Housing and Environment	13.11.17	27.11.17	
Sue Foster	Strategic Director for Neighbourhoods and Growth	06.10.17	8.11.17	
Raj Mistry	Director Environment	02.10.17	02.10.17	Throughout
<i>Andrew Ramsden</i> , Finance	Corporate Resources	07.11.17	07.11.17	Throughout
<i>Michael O'Hora</i> , Legal Services	Corporate Resources	10.10.17	11.10.17	Section 4
Maria Burton, Democratic Services	Corporate Resources	02.11.17	06.11.17	Throughout and section 4

<b>Report History</b>	
<b>Original discussion with Cabinet Member</b>	17.10.17
<b>Part II Exempt from Disclosure/confidential accompanying report?</b>	Yes
<b>Key decision report</b>	Yes
<b>Date first appeared on forward plan</b>	20.10.17
<b>Key decision reasons</b>	2. Expenditure, income or savings in excess of £500,000
<b>Background information</b>	Cabinet report <a href="#">London Living Wage</a>
<b>Appendices</b>	<i>None</i>

**APPROVAL BY CABINET MEMBER IN ACCORDANCE WITH SCHEME OF DELEGATION**

**I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board, and taken account of their advice and comments in completing the report for approval:**

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Post:** Rachel Robson, Senior Commissioning Officer, Environmental Services

**I confirm I have consulted the relevant Cabinet Members, including the Leader of the Council (if required), and approve the above recommendations:**

**Signature:** \_\_\_\_\_ **Date:** 6 December 2017

**Post:** Councillor Jennifer Brathwaite, Cabinet Member for Housing and Environment

**Any declarations of interest (or exemptions granted):**

**Any conflicts of interest:**

**Any dispensations:**

## Appendix A

Minutes of the Meeting of the Council held in the Council Chamber, Kensington Town Hall, Hornton Street, London, W8 7NX at 6.30pm on 17 October 2018

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### 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  
BLAKEMAN, Judith  
CAMPBELL, Elizabeth  
CHAUHAN, Dr Max  
CYRON, Anne  
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  
LARI, Sina

LINDSAY, David  
MASON, Pat  
McVEIGH, Sof  
MILLS, Julie  
NAIL, Nadia  
O'CONNOR, Charles  
PASCALL, Will  
PRESS, Monica  
RENDALL, Josh  
SCHMETTERLING, Dori  
SPALDING, Malcolm  
TAYLOR-SMITH, Kim  
THALASSITES, Johnny  
THAXTER, Portia  
THOMPSON, Robert  
WADE, Linda  
WASON, Ian  
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 18 JULY 2018

The minutes of the meeting held on 18 July 2018 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. Berrill-Cox, Jackson, Marshall, Palmer and Round.

#### Declarations of interest

Cllr. Press declared a personal interest in item 7 as a leaseholder of a Council-owned property.

Cllr. Healy declared a pecuniary interest in report 10(ii) as she receives a borough pension.

### 4. PUBLIC SPEAKING

The Mayor reminded the Council that it would be providing up to an hour at each meeting to allow residents to speak on any matter of local interest or concern and make their, or the views of those on behalf of whom they are speaking, known to the Council. 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. She explained that the Council was making it easier for residents to be heard by setting up new forums, details of which had been circulated round the Chamber. 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 – Zeenat Suleman** – referred to the framework already in place to assist refugees. The Council had offered to assist in the resettlement of 50 refugees and this was welcomed. She asked the Council to join the Our Turn campaign, by publically pledging to take in at least three unaccompanied and vulnerable children under any future 'Children at Risk' scheme or its equivalent. The commitment would be contingent on the scheme being fully-funded by Central Government. This would amount to 30 'children at risk' over 10 years.

Cllr. Will said that the Council would be happy to accept this recommendation. Cllr. Atkinson also welcomed this and added that the Council should take as many as it can.

**Speaker 2 – Samantha Batra** – spoke on behalf of the Save Wornington College Campaign. The College had been sold to the Council in 2016 and this had now been shown to be the wrong decision. The recent Kroll report revealed a history of mismanagement and bad governance. The campaigners wanted to make sure the college was saved for generations to come. They wanted the leasehold to be given back to the college for 99 years. There was the chance to make the college a success and all should work towards that.

Cllr. Faulks replied that the college was a critical part of North Kensington and it was important it provided the best possible skills offer working with the Department for Education. She added that the Council did not run the college, so it could not be responsible for that, but she supported its rejuvenation and wanted it to be a beacon of success.

**Speaker 3 – Anna Ferguson** – spoke as a member of a community based website “Next Door”. Their main concern was irresponsible dog owners and cyclists, particularly in Brompton Cemetery where dogs were allowed to foul. She wanted the Council to encourage people to be more responsible.

Cllr. Lindsay said cycling was to be encouraged but it was not good if people were cycling where they should not or not cleaning up after their dogs. He acknowledged the point that it relied on encouragement and incentivisation.

**Speaker 4 – William Vann** – spoke as a parent of a child at Violet Melchett nursery, formerly owned and managed by the Council and outsourced in 2016 to the charity Action for Children (AFC). He praised Harmony Nursery in Hammersmith and Fulham which had been established in 2001 in partnership with the Council and the voluntary sector as a social enterprise, not for profit, day nursery. He said it was a pity that Kensington and Chelsea Council had not chosen a similar route in 2016. Instead, outsourcing had been favoured over community ventures, despite strong opposition from parents and nursery staff. This year, one of the four nurseries outsourced to AFC, Cheyne Nursery, had been graded Inadequate following an Ofsted inspection, having been rated Good only months before the outsourcing.

Mr Vann added that five weeks ago, parents at the other three outsourced nurseries received notification of price rises of between 35% and 50%, coming into effect on 5th November. Following a 10% price rise in April 2018, this represented a 65% rise for some parents within the space of seven months, to £83 per day. There had been no prior consultation or warning of this rise despite assurances. AFC’s response had been consistently heavy-handed, misleading and inept. He asked why none of this had been anticipated in the wording of the outsourcing contract. No duty had been imposed on AFC to consult, contrary to what the Council said in October 2016; there were far too few safeguards built in to the contract for parents; and there was no stipulation that fee rises should be gradual and manageable for parents.

Cllr. Will said that she had met Mr Vann privately last week. She undertook to respond more fully but added that the Council did not support the timing or the scale of the price rises and it had put AFC under as much pressure as possible. AFC said they would speak to each parent on a case by case basis. She would continue to discuss with AFC. Cllr. Atkinson referred to the Motion elsewhere on the agenda. He agreed with Mr Vann that the timing was cynical. He considered that privatisation and outsourcing did not work and referred to several other contracts which the Council had let out. A proper contract should be in place or, preferably, the Council should run these services.

**Speaker 5 – Claire Simmons** – asked why the Council had not contacted residents outside of Lancaster West about support services or their needs in the last 16 months. Such residents had not received the Grenfell support newsletter. She also asked what

performance appraisals were in place for Senior Grenfell Officers and who appointed them.

Cllr. Weale replied that induction, performance management and supervision was used throughout the Council, not just for Grenfell staff. The recently agreed values and behaviours would be woven into staff objectives. All staff had two performance reviews per year. In the past year there had been 19 disciplinary hearings resulting in terminations of contract. There was a complaint procedure for residents if they needed to raise an issue about a member of staff.

**Speaker 6 – Patrick Dimley** – a resident of Nevern Place, Earl’s Court, identified a significant number of slum dwellings within the street. The buildings were currently owned by London & Quadrant (L&Q) Housing Trust. They had managed the properties for the last seven years but there had been no significant improvement. He asked what progress had been made regarding fire safety, cramped living conditions and other environmental matters.

Cllr. Taylor-Smith welcomed Cllr. Adourian’s involvement in this matter and said that he wanted to find an answer to these issues. An assessment by a surveyor had been offered by L&Q which was a good first step. The Council wanted to make sure its Environmental Health team met with the surveyor.

**Speaker 7 – Guy Bondonneau** – drew attention to buskers in South Kensington, particularly in Thurloe Street and Exhibition Road outside of the V&A. He considered that they needed to respect the environment. He hoped that there would be a Public Space Protection Order (PSPO) in place so they would not come and play loud instruments.

Cllr. Pascall said that this had been a frustrating issue to deal with over several years. Officers had tried to use noise and nuisance powers. The Council tried to follow TfL and license buskers to encourage good buskers. Powers would be ready by April 2019, but until then officers would redouble their efforts.

Cllr. Press said that busking should be encouraged in some areas but was not appropriate in others. Camden had managed to go down the licensing route and the Council should do the same. PSPOs relied on officers to enforce them but as there were fewer officers, the licensing route was better.

**Speaker 8 – Samia Badani** introduced **Clarrie Mendy**, who had been diagnosed with motor-neurone disease (MND) and had lost two family members in the Grenfell fire tragedy. Clarrie Mendy spoke about the deterioration in her own health. When reading about MND, the first things that appeared were environmental chemicals and toxins, trauma and stress. She felt that she had been let down, not given support and lied to like all the tenants in the area. She asked when the truth could be told. She had written a letter to the Leader. She called for compassion from the Council, the TMO, the NHS and Public Health England and asked for toxin tests around Grenfell to be carried out immediately.



Julie Thornton then read Clarrie Mendy's letter to the Leader which demanded immediate independent testing of the site and the affected population. Nominated community observers needed to be present at all discussions.

The Leader said that she admired Clarrie's courage and determination. The Council was on the residents' side and took their concerns seriously. She was glad that the Council's Director of Public Health, Professor John Ashton, had attended the recent Grenfell Recovery Scrutiny Committee with Dr. Yvonne Doyle, to try and answer some of the questions. At present, the Council had not seen the report by Professor Stec – it had asked the researcher to show the Council the data and information. In the meantime, there would be a public meeting on Monday 29 October to discuss this with experts.

The Leader recognised that this was an issue which needed proper investigation as soon as possible. Public Health England and the NHS needed to tell the Council how to design any testing so the data was proper and meaningful. The community should have oversight as it needed confidence in this.

**Speaker 9 - Terry Edge** – spoke of his experience on the subject of toxins and particularly furniture and furnishings fire safety regulations. He considered that Public Health England was operating a cover-up as it was refusing to do soil samples and to insist on proper health screening. Furniture regulations needed to be changed and full medical screening was required.

**Speaker 10 - Bob Larkins** – said that he had been sent a copy of an email from the North Kensington Residents' Association which they received from the engagement team at RBKC concerning the study by Professor Stec. It appeared that a preliminary report had been sent in February. The Council was only now seeking an urgent meeting to discuss it with her. Barry Quirk, the Chief Executive, confirmed that as far as he was aware the Council had not received a copy of the Professor's report.

The Leader said that the meeting on 29 October would go through all of these issues and answer them truthfully.

## 5. PETITIONS

### Air Quality

The Mayor informed the Council that a debate at Council had been triggered by the receipt of a petition in excess of 1,600 signatures about air quality.

Mr Philip Roberts addressed the Council on behalf of the petitioners. He considered the recommendations in the report to be inadequate. The Council should be more proactive and take meaningful action. Other boroughs, such as Camden, were already doing more to address the issue of idling. The requirements set out in the petition were achievable. He called on the Council to write an action plan by 17 December and to put it into effect by 17 April. The setting of performance indicators, monitoring and enforcement would be vital. Parking attendants would need training on the issue.

Cllr. Henderson welcomed the petition and the recommendations. Cllr. Wade spoke of the Council's enforcement responsibility. Reminders about idling could be issued with Resident Parking Permit forms. Exclusion areas around schools could be introduced. Parking attendants could speak to drivers or place stickers on idling vehicles as a reminder that it was an offence. Cllr. Will agreed that an action plan was required. Cllr. Press considered the report to be complacent. This issue of idling vehicles had been discussed by the Market Streets Action Group and Highways officers earlier this year but the agreed leafleting was still to happen. She agreed that enforcement was key. The Council could insert clauses into its schools' leases to tackle idling outside schools.

In response, Cllr. Lindsay said that he would work with schools on the issue of idling vehicles. Several streets had been closed near schools for a period. This would be trialled further. He accepted the ideas set out in the petition and although a commitment could not be made at this point, he undertook to work towards them. He added that he did not want to promise something and then find he was unable to deliver on a commitment.

RESOLVED:

- (i) to note the Lead Member's response; and
- (ii) to invite the Lead Member to take fully into account the matters raised during the debate when responding to the petition.

No other petitions were presented.

## **6. STATEMENTS BY THE LEADER OF THE COUNCIL AND THE LEADER OF THE MINORITY PARTY**

The Leader drew attention to the new ways that residents could share concerns and views with the Council. Information had been circulated round the Chamber which drew attention to the Listening Forum, the Borough-wide conversation about priorities, the governance review and Councillor surgeries.

Cllr. Atkinson welcomed these initiatives. He asked that particular attention be given to the organisation of the meeting on 29 October about Grenfell and soil toxicity. The Council needed to publicise facts when it got them in order to stop rumours circulating. He recognised that the Council was not always the expert but could assist in providing a platform for discussions.

## **7. STATEMENT BY THE DEPUTY LEADER ON HOUSING AND RESPONSE BY DEPUTY LEADER OF MINORITY PARTY**

Pursuant to Standing Order 42, it was proposed by Cllr. Lindsay, seconded by Cllr. Blakeman and

RESOLVED - to suspend Standing Order 30 insofar as it related to the speeches made by the Deputy Leader and Cllr. Press so that they may speak without time limit.

Cllr. Taylor-Smith, the Deputy Leader, said that the Grenfell tragedy had changed

Kensington and Chelsea forever. The Council faced an inquiry and would embrace its conclusions, criticisms and recommendations. This would take time, so the Council must start learning and applying the lessons now. The management and the provision of housing in the Borough must change.

**Housing management** was where the Council had the greatest opportunity to demonstrate change. It needed to be responsive, to listen, understand, react and change. He was confident that the Council could deliver on this. The intention was for residents to shape how their homes and estates were managed.

Residents wanted an end to **anti-social behaviour**. He intended that a charter be written with residents to set the standards they could expect from the Council, their neighbours and the standards they must adhere to themselves. This would be enforced firmly but fairly.

The Deputy Leader stated again that there would be no regeneration of estates and no decanting. The Council would refit and refurbish, not remove and rebuild. It would consult with residents on how it could improve where they live. A Local Lettings Policy was under review. This would support families whose children had left home to move to smaller homes within an estate and allow families increasing in size to swap.

The Deputy Leader then spoke about **housing provision**. Waiting lists were too long and Council housing was in short supply and truly 'affordable' housing was largely beyond reach of anyone on an average income. The Council did not have enough money alone to build enough houses to meet demand. Partnerships were required. RBKC risked becoming a borough only for the rich. The Council must therefore build more Council and truly affordable homes.

He announced that the Council would be building 300 new council homes, plus 300 new private sale homes. The 300 council homes would be owned by the borough and built by the borough – by its own, in-house teams. The Council was also working on delivering thousands more homes of all tenures across the borough. A survey of brown field and infill sites across the borough had identified potential space for thousands of new homes - one big opportunity was Kensal Canalside, which had huge development potential. He would prioritise early engagement with the existing local resident and business communities in order to build a shared vision for this work. The Council was ready to speak to the local communities on and will give more details on the proposed sites for the 600 new homes in due course. Officers were looking for new brownfield sites to build more council homes.

He had recently written to the housing minister with a suggestion to amend the much-underused Empty Dwellings Management Order – EDMOs – that allowed councils to take temporary control of dilapidated, long term empty homes and use them for key workers and those on the housing list. He suggested to the housing minister that this be extended for long term empty investment homes. The Council would become managing agents and would incentivise owners to put them to use for the benefit of all – those that need homes, the Treasury and the owners.

He believed that **private developers** in the borough could deliver more – and spoke of a proposal that developers must deliver at least 35 per cent truly affordable housing on

their new developments. He would also insist on developers applying for planning permission in RBKC to open their books. It was not acceptable to hide behind commercial confidentiality. If a developer said 35 per cent was not viable, they would be asked to prove it.

**Housing associations** also had a bigger role to play. In some cases they were turning away from their core purpose and becoming all but private developers. He spoke of Clarion Housing, the owners of Sutton Estate, who wished to knock down the estate with a loss of affordable homes. This was wrong.

He undertook to circulate a discussion paper on these issues to provoke responses and new and better ideas from residents and from fellow councillors.

Cllr. Press then responded on behalf of the Labour Group. She thanked the Deputy Leader for bringing this matter to Council and putting his intentions in the public realm early enough for a full debate and scrutiny and public consultation as they developed. She commended the Leadership Team for signalling the reversal of years of Council housing policies.

The Labour Group welcomed the aspirations, particularly the intention for the Council to build its own council homes on its own land. They also welcomed the Mayor's initiative introducing new grants specifically to enable councils to build social housing. They noted that the Government had at last raised the cap on local authority borrowing. There was a need for such new homes to be safe and secure. She said that these new homes needed to be built by contractors working directly for and to the Council not via a hands-off joint venture or contracted developer.

Cllr. Press said that the target of 600 new homes by 2022 was ambitious and commendable. The Council needed to be prudent in its use of public funds. A basic model of 50% social-rent homes and 50% homes for sale on the open market would allow the Council to recoup the initial investment in a fairly short time and in order to reinvest on new housing projects. The Labour Group looked forward to discussing other models which paid back over a longer period of time but would provide more affordable housing for those in need and enable more essential key workers to live in the borough they work in.

The provision of new housing needed to be viewed from a Borough-wide perspective and changes to Planning Policies and Regulations were as important as the provision of new social-rent housing on the limited pockets of land owned by the Council.

Any social-rent homes and 'affordable' and 'intermediate' homes were far too often not negotiated up from a very low figure or accepted as payments under Section 106 or CILs to be either built elsewhere i.e. in the few sites left in North Kensington or as infrastructure roads and schools.

The Council should be more rigorous in supporting its current policies and be far more assertive in ensuring that as many social-rent and affordable homes were built on site by private developers.

This Council had agreed to a number of planning policy changes over the past 5 years but there was little evidence of their being implemented. Financial viability assessments should now be demanded of all large planning applications. Policies to introduce review mechanisms were agreed so that when developers sat on land for some years after having planning permission - and watched their profits rise in land and property values – the Council could review and increase the percentage of social-rent homes accordingly.

Given current conditions a 35% “affordable” target on third-party sites should be a minimum requirement. She considered post-Grenfell a 50% “affordable” requirement would be realistic and a massive step forward.

Cllr. Press considered that the Council should introduce:

- Fast tracking Planning Applications from developers offering 50% affordable homes on site;
- a maximum profit margin for developers who wish to build on land in RBKC. 22% was unacceptable.
- conditions where every new home built was for owner-occupation or rent and not to be left empty.

The Council needed to return to using the data provided by the SHMA (Social Housing Markets Assessment) which gave accurate projections on the % needs for social-rent, intermediate and market housing across the borough.

Better regulation of the Private Rental Sector was also required. This was where the majority of the Borough’s homeless families came from. Any long-term Housing Strategy must include stronger and increased regulation of this sector.

Cllr. Press called for the establishment of a cross-Council Housing Provision Board to drive this forward. She looked forward to participating as a scrutiny member, ward councillor and local community champion and to encouraging constituents to engage and ensure that the next steps and development process were truly resident-led.

Cllr. Henderson suggested that an Empty Dwellings Management Order be considered for the Sutton Estate.

Further debate ensued during which Cllrs. Hammond, Idris and Adourian made their maiden speeches, welcoming the Deputy Leader’s announcement.

Cllr. Taylor-Smith welcomed the contributions.

The Council noted the debate.

The time being 9.20pm, it was moved by Cllr. Lindsay, seconded by Cllr. Blakeman and

RESOLVED – that Standing Order 24.01 be suspended and that the meeting terminate no later than 10.30pm.

**8. ORDER OF BUSINESS**

The Mayor ruled that the order of the remainder of business would be as set out in the agenda.

**9. REPORT OF THE LEADERSHIP TEAM – URGENT KEY DECISIONS**

The reception of the report was moved by the Leader and seconded by Cllr. TaylorSmith.

RESOLVED -

That the report be noted.

**10. REPORTS OF COUNCIL-SIDE COMMITTEES**

**(i) Report of the Administration Committee - Change to Standing Order 8.03**

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

RESOLVED -

That the recommendation in paragraph 1.6 be adopted.

**(ii) Report of the Investment Committee - Pension Fund Annual Report 2017-18**

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

RESOLVED -

That the report be noted.

**(iii) Report of the Audit and Transparency Committee - Annual Treasury Report 201718**

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

RESOLVED -

That the report be noted.

**(iv) Report of the Audit and Transparency Committee - Code of Conduct Complaint**

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

RESOLVED -

That the report be noted.

**(v) Report on appointments to the independent Ethics Panel**

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

RESOLVED -

That the recommendation in paragraph 6.1 be adopted.

**11. MATTERS REFERRED BY SCRUTINY COMMITTEES**

No matters were referred by Scrutiny Committees.

**12. QUESTIONS TO LEAD MEMBERS**

**(i) Cllr. Press asked the following question of Cllr. Hargreaves:**

*“Re the proposed roll out of Universal Credit to North Kensington.*

*In March 2018; recognising the serious financial pressures which the roll out of Universal Credit has placed on families in RBKC who rely on benefit payments and particularly families with children; the Council Leadership agreed “to lobby central Government to halt the implementation of Universal Credit before it reaches more RBKC postcodes.”*

*Can the Lead Member please report back to Council on progress to date?”*

Cllr. Hargreaves replied that he had written to the Secretary of State who was not minded to do it. The Council was focusing on the practical help it could offer residents.

Cllr. Press considered that one letter was insufficient lobbying and asked when was the next meeting with the DWP. Cllr. Hargreaves said that he would continue to work with the DWP on this issue.

**(ii) Cllr. Healy asked the following question of Cllr. Addenbrooke:**

- 1) *“To give up to date figures on the number of vacancies for Care Workers in the borough’s care homes and what impact this is expected to have on the quality of care offered in those homes.*
- 2) *What proportion of care workers employed in care homes are EU nationals?*
- 3) *What steps the borough is taking to reduce the number of vacancies in this sector?”*

Cllr. Addenbrooke replied that according to the latest skills for care workforce data (2016/17) care worker vacancies in the borough currently stood at 26%. This covered all adults social care sector workers but there was no recorded data specific to care homes. All homes were required by the Care Quality Commission to maintain adequate, safe staffing levels so there would be a high percentage of agency workers employed in the borough.

64% of the total social care workforce in Kensington and Chelsea were British Nationals. Nationally, 80% of migrant workers were EEA citizens but the Council did not have a breakdown for Kensington and Chelsea.

The quality assurance team were working closely with Care Homes to look at workforce recruitment and training providing advice and guidance including close working with skills for care to access training. The Care Home Improvement Programme had been helping to develop leadership and management in the Care Home sector in the borough through a targeted training and development programme that would help strengthen recruitment. The integrated commissioning directorate were also looking at how the Council could work closely with adult education colleges and apprenticeship opportunities using the new levy. The care market was one of the most fragile and challenging. Scrutiny would be kept up-to-date on progress on a regular basis.

Cllr. Healy asked for a copy of the reply. She spoke of adverse CQC reports and considered that the Council should bring adult social care in-house.

### 13. **MATTERS OF LOCAL CONCERN RAISED UNDER S.O. 11**

**Cllr. Mills** spoke of the difficulties experienced by the Sheppard Trust which offered affordable sheltered accommodation in Norland Ward. Given the recent loss of Vicarage Gate and Thamesbrook, she called on the Council to acquire the buildings in Lansdowne Walk for those who needed them.

**Cllr. Wade** drew attention to the K&C Credit Union which had collapsed early in October. She expressed concern about the investments of its 1,200 members and asked about the role of the two nominated Council officers on its board. She hoped that the debts would not be sold to commercial debt companies. Cllr. Weale replied to allay Cllr. Wade's fears. The collapse was sad but all depositors would be protected. Loans would not be sold off. A special finance vehicle had been created for funds deposited with the Credit Union. The Council was looking at how best to provide a similar arrangement in future.

**Cllr. Healy** spoke of the latest threat to Brompton Hospital. She hoped that children's services would continue to be provided there and expressed concern at the possible sale of the site. The Council should refuse any change of use application. The Leadership Team should press the Secretary of State to retain the hospital.

The Council noted the matters raised.

### 14. **MOTIONS FOR DEBATE**

#### (i) **London Living Wage**

It was moved by Cllr. Bennett and seconded by Cllr. Woodger:

*"The Council currently pays all its directly employed staff at least the London Living Wage. The Council now resolves to call on the Executive to take steps to adopt a policy that at the re-tendering of all existing contracts, and the tendering of any new contracts,*



*the tender will stipulate that the staff employed under these contracts to work in RBKC will be paid at least the London Living Wage.”*

It was then moved by Cllr. Lari and seconded by Cllr. Mason:

*Delete all after "The Council currently pays all its directly employed staff at least the London Living Wage." and insert:*

*“The Council calls on the Executive to adopt a policy, by means of varying existing contracts in advance of any re-tender, and in the tendering of any new contracts, to stipulate that the staff employed under these contracts to work in RBKC will be paid at least the London Living Wage. The Council will also not source any contractor which refuses to pay its staff at least the London Living Wage for the service of this Borough.*

*The Royal Borough of Kensington and Chelsea also expresses its formal support for its hard-working cleaners in their fight for fair pay after successful industrial action in August.”*

Debate ensued, during which Cllrs. Bennett, Woodger and Schmetterling made their maiden speeches.

The amendment was then put to the vote and was declared by the Mayor to be lost.

Cllrs. Atkinson, Bakhtiar, Blakeman, Dent Coad, Elnaghi, Healy, Henderson, Lari, Mason, Nail, Press, Thaxter and Thompson asked that their names be recorded as voting for the amendment.

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

The time being 10.25pm the Mayor said that the remaining Motions printed on the agenda would be put to the Council’s next meeting on 5 December.

## **15. APPOINTMENTS TO COMMITTEES AND OUTSIDE ORGANISATIONS**

The nominations standing in the name of Cllr. Lindsay and circulated at the meeting were before the Council.

RESOLVED -

- (i) To note the actions taken as set out in the report; and
- (ii) To note the following resignations and agree the following appointments:

### **Administration Committee**

Resignation: Cllr. Hargreaves Appointment:  
Cllr. Lindsay

**Adult Social Care and Health Scrutiny Committee** Appointment:  
Cllr. Hammond

**Executive and Corporate Services Scrutiny Committee**  
Resignation: Cllr. Wason

**Grenfell Recovery Scrutiny Committee**

Resignation: Cllr. Idris

Appointment: Cllr. Thalassites

Co-opted Members: One of the four voting co-opted members to be the formally nominated representative of the Lancaster West Residents Association.

**Citizens' Advice K&C**

Resignation: Cllr. Freeman

Appointments: Cllr. Wason and Cllr. Schmetterling

**London Councils - Greater London Employment Forum**

Resignation: Cllr. Lindsay

Appointment: Cllr. Faulks

**OTHER URGENT MATTERS**

No other matters were raised.

The meeting ended at 10.27pm.

Mayor