

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE CABINET

HELD AT 5.35 P.M. ON WEDNESDAY, 3 OCTOBER 2012

**COMMITTEE ROOM, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Mayor Lutfur Rahman	(Mayor)
Councillor Ohid Ahmed	(Deputy Mayor)
Councillor Shafiqul Haque	(Cabinet Member for Jobs and Skills)
Councillor Shahed Ali	(Cabinet Member for Environment)
Councillor Abdul Asad	(Cabinet Member for Health and Wellbeing)
Councillor Alibor Choudhury	(Cabinet Member for Resources)
Councillor Rabina Khan	(Cabinet Member for Housing)
Councillor Rania Khan	(Cabinet Member for Culture)
Councillor Oliur Rahman	(Cabinet Member for Children's Services)

Other Councillors Present:

Councillor Ann Jackson	(Chair, Overview & Scrutiny Committee)
Councillor Peter Golds	(Leader of the Conservative Group)
Councillor Rachael Saunders	
Councillor Carlo Gibbs	
Councillor Amy Whitelock	
Councillor Gulam Robbani	
Councillor Stephanie Eaton	
Councillor Kabir Ahmed	(Executive Advisor to the Mayor and Cabinet)
Councillor Md. Maium Miah	(Advisor to the Mayor and Cabinet on Third Sector and Community Engagement)

Officers Present:

Kevin Kewin	– (Service Manager, Strategy & Performance, Chief Executive's)
Kate Bingham	– (Acting Service Head Resources, Children Schools & Families)
Chris Holme	– (Service Head Resources, Development & Renewal)
Alison Thomas	– (Acting Joint Service Head, Strategy Innovation and Sustainability, Development & Renewal)
Paul Leeson	– (Finance Manager, Development & Renewal)
Ann Sutcliffe	– (Service Head Building Schools for the Future, Development & Renewal)
Deborah Cohen	– (Service Head, Commissioning and Strategy,

	Adults Health and Wellbeing)
Katherine Ball	– (Senior Accountant, Development & Renewal)
Sarah Barr	– (Senior Strategy Policy and Performance Officer, One Tower Hamlets, Chief Executive's)
Ellie Kuper-Thomas	– (Strategy, Policy and Performance Officer - Executive Mayor's Office, One Tower Hamlets, Chief Executive's)
Martin Ling	– (Housing Policy Officer)
Susan Mulligan	– (Communications Advisor)
Ross Archer	– (Political Adviser to the Conservative Group, Chief Executive's)
David Courcoux	– (Political Adviser to the Labour Group, Chief Executive's)
Shamima Khatun	– (Graduate Management Trainee)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Rofique U Ahmed (Cabinet Member for Regeneration)
- Isobel Cattermole (Corporate Director Children Schools Families) for whom Kate Bingham (Acting Service Head CSF Resources) was deputising.
- Aman Dalvi (Corporate Director Development and Renewal) for whom Owen Whalley (Service Head Planning and Building Control) was deputising.

Noted.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillors Ohid Ahmed, Alibor Choudhury, Rabina Khan and Rania Khan declared pecuniary interests in Item 7.2 (Mayor's Strategic MSG Programme) and would leave the room for the duration of that item.

Councillor Ann Jackson declared a pecuniary interest in Items 9.1 and 19.1 (Learning Disabilities Day Opportunities – Modernisation Programme) and would leave the room for the duration of that item.

Noted.

Variation of Order of Business

At this juncture the Mayor informed members of the Cabinet and others present that:

- A large number of residents and representatives of organisations were present to hear the discussion about Item 7.2 Mayor's Strategic MSG Programme).
- Given the importance of this matter to the Community he considered it appropriate on this occasion under the constitutional provisions of

Council Procedure Rule 7.2 to vary the order of business to take that item next.

Accordingly the **Mayor agreed** the following:

1. That the order of business be varied to take Item 7.2 (Mayor's Strategic MSG Programme) after Item 2 (Declarations of Disclosable Pecuniary Interests).

3. UNRESTRICTED MINUTES

The unrestricted minutes of the ordinary meeting of the Cabinet held on 5 September 2012 were presented for information.

4. PETITIONS

The clerk advised that the Assistant Chief Executive (Legal Services) had received no requests for petitions in respect of the business contained in the agenda.

5. OVERVIEW & SCRUTINY COMMITTEE

5.1 Chair's advice of Key Issues or Questions in relation to Unrestricted Business to be considered

Councillor Ann Jackson, Chair of the Overview and Scrutiny Committee (OSC), addressed the Mayor and members of the Cabinet. She reported on the issues that OSC had considered at their meeting including that:

- A presentation on the strategic partnership with Agilisys had reassured Members that there had been a smooth transition and that staff terms and conditions had not been affected.
- However, OSC would want to continue to monitor progress of that Strategic Partnership.
- There had been a lively discussion around the Voluntary and Community Sector Strategy with questions over why the volunteering model had not quite worked before and whether it was properly focussed this time.
- The Voluntary and Community Sector Strategy was another project area that OSC would be monitoring in the future.
- Finally, there had been a discussion around the new executive decision making arrangements.

The Mayor thanked Councillor Ann Jackson for her presentation.

5.2 Any Unrestricted Decisions "Called in" by the Overview & Scrutiny Committee

The Clerk advised that no requests had been received by the Assistant Chief Executive (Legal Services) to 'call-in' for further consideration, by the Overview and Scrutiny Committee, any provisional decisions taken by the Mayor in Cabinet, at the Cabinet meeting held on 5 September 2012.

6. A GREAT PLACE TO LIVE

6.1 Review of Tower Hamlets Art Work

Councillor Rania Khan, Cabinet Member for Culture, introduced the report. She highlighted advice that the statue was uninsurable and the risks associated with displaying it in the borough. She also stated that money raised from a sale could be invested back into the local community.

Heather Bonfield, Interim Service Head, Culture, Learning and Leisure, reported to Cabinet that Canary Wharf Management had stated that they did not currently wish to take responsibility for the statue. She also stated that officers would look to ensure an appropriate reserve price was set.

The Mayor heard contributions from Cabinet Members who raised a number of points including that:

- All realistic options for hosting the statue had been explored.
- Any money raised could be invested back into the local community including in projects to support important local heritage such as Poplar Baths or local libraries.
- If the statue went to auction it was important to ensure a good price was obtained.

The Mayor listened to further contributions including concerns about issues such as:

- That not all options, including locations not directly in the public domain, had been considered.
- That the risks had been overstated and similar examples were safely presented in the public domain.
- The value could well rise further in future.
- The heritage value of the statue but also the value of other local buildings and projects that could be supported by any money raised.

The Mayor highlighted that it was not a decision taken lightly and that all present valued the heritage value of the statue. However, he had a duty to work to protect services to local residents and that the money could be invested in local projects including those supporting local heritage. He therefore proposed to support the recommendation to move to a sale at auction.

Decision

1. That the sculpture be offered for international sale at auction by Christie's in February 2013, with a reserve price to be agreed by the Mayor in consultation with Christie's and that the receipt received be used to invest in projects that benefit the community, including priority heritage projects.

6.2 Thames Tideway Tunnel - Update and Response to Section 48 Publicity Notice

Heather Bonfield, Interim Service Head, Culture, Learning and Leisure, introduced the report. She highlighted the history to the issue in particular relating to Thames Water's consultation exercise and officers' consideration that it was inadequate. She also highlighted that officers still preferred the Heckford Street option.

The Mayor welcomed the report and stated that pursuing the option proposed by officers would produce a better outcome.

Decisions

1. To agree that he is satisfied that this matter is urgent, as defined in the Authority's Constitution (Part 4 Rules of Procedure, Section 4.5 Overview and Scrutiny Rules of Procedure, Rule 17 'Call In' and Urgency, sub paragraph 17.1, as any delay to implementation of all the decisions above would seriously prejudice the Authority's and the Public's interest; and therefore this matter should not be subject to 'Call In'.
2. To note that the results of the Phase Two Consultation have not materially altered Thames Water's proposals in respect of the proposed tunnel in the foreshore of the King Edward Memorial Park.
3. To agree that Thames Water have failed to provide sufficient information to allow a fully informed response to the Section 48 Publicity Notice to be provided.
4. To confirm the Council's concern at the impact of Thames Water's preferred scheme for a connection to the proposed tunnel in the foreshore of King Edward Memorial Park and its objection to that scheme, and confirm the Council's support for an alternative scheme that provides for the main connection in the Heckford Street Industrial Estate with just a connection to the North East Storm Relief Sewer in King Edward Memorial Park.
5. To approve the draft version of the response to Thames Water based on recommendations 2 and 3 above set out in Appendix 1 and authorise the Corporate Director of Communities Localities and Culture in consultation with the Assistant Chief Executive (Legal Services) to

determine the final content of the response and to submit this to Thames Water by the deadline for response of 5 October 2012.

6. To authorise the Corporate Director of Communities Localities and Culture in consultation with the Assistant Chief Executive (Legal Services) to submit an adequacy of consultation representation to the Secretary of State following the submission of Thames Water's formal Development Consent Order application.
7. To authorise the Corporate Director of Communities Localities and Culture (in consultation with the Assistant Chief Executive (Legal Services)) to take appropriate actions to sustain the Council's objection to Thames Water's preferred foreshore scheme by participating in the Development Consent Order and any related process, and if appropriate bringing a legal challenge in the courts.

6.3 Buildings for Faith Based Activities Initiative

Councillor Alibor Choudhury, Cabinet Member for Finance, introduced the report. He highlighted the proposals as a major achievement in enabling the Council to provide support to the large number of faith buildings in the building, many of which were considered to be in poor condition by English Heritage. He highlighted that the grants were open to all faith groups and there were categories for different sizes of projects. He also stated that the scheme would have a dedicated programme officer to support groups who wanted to bid with a Grants Panel to oversee the process.

Cllr Ohid Ahmed, Deputy Mayor, highlighted concerns that the administration costs were too high.

The Mayor considered points raised during discussion including:

- That faith groups provided many services to the local community and these often suffered from the poor state of the buildings.
- Questions as to where the money had been found for this initiative.
- Whether there could be a knock-on demand for ongoing maintenance support.
- Whether consideration of future need rather than existing locations should be prioritised.

The Mayor highlighted the large and active faith communities in the Borough and the poor conditions of many of the buildings. He stated that the Council had a duty to support them especially as they do so much good work for the community. However, he requested that officers look at ways of bringing down the administration costs of the scheme towards £150k or 7.5%.

Decisions

1. To agree the establishment of the Community Faith Buildings Support Scheme;
2. To authorise the Corporate Director of Development and Renewal after consultation with the Lead Member for Resources to establish and manage the Community Faith Buildings Support Scheme for 2012-15, with grant decision-making following the process to be adopted for the Grants Panel to ensure coordination of all grant moneys being awarded by the Council and to define and recruit to the post of Community Faith Buildings Programme Officer.

Variation of Order of Business

At this juncture the Mayor informed members of the Cabinet and others present that:

- He had received a request to take Item 7.1 (Children and Families Plan 2012-2015) as the next item.
- He therefore agreed under the constitutional provisions of Council Procedure Rule 7.2 to vary the order of business to take that item next.

Accordingly the **Mayor agreed** the following:

2. That the order of business be varied to take Item 7.1 (Children and Families Plan 2012-2015) as the next item.

6.4 Asset Management & Value for Money - Report of the Scrutiny Working Group

Councillor Ann Jackson, Chair of the Overview and Scrutiny Committee, introduced the report. She highlighted the financial pressures that the Council was experiencing and the opportunities for savings available in managing its Assets. She highlighted particular issues raised such as, energy efficiency, transparency and departmental structures and recommended the action plan set out in the report of the scrutiny working group.

The Mayor thanked Councillor Ann Jackson and the Scrutiny Working Group for the report.

Decision

1. To note the report.

7. A PROSPEROUS COMMUNITY

7.1 Children and Families Plan 2012 - 2015

Please note that the order of business was varied to allow this Agenda item to be considered after Item 6.3 (Buildings for Faith Based Activities Initiative).

However, for ease of reference the minutes are set out in the order in the agenda.

Councillor Oliur Rahman, Cabinet Member for Children Services, introduced the report. He highlighted that the Partnership Board considered it was important to have a Children and Families Plan. He recommended the report to the Mayor but highlighted concerns about the number of children who were not registered with dentists, parental engagement in the sex and relationship education of their children.

The Mayor welcomed the report and agreed with the suggested amendments to the recommendations.

Decision

1. Approve the Children and Families Plan in Appendix 1 for the next three years, 2012-15 subject to the following additions:
 - That on pages 10, 18 and 26 under the heading 'Monitoring whether children are healthy' the following point be added: 'Rates of registration, access to and use of dental services'.
 - That the point on Sex and Relationship Education (SRE) be strengthened to ensure parents are fully engaged with this aspect of their child's education.
 - That on page 12, under the heading 'Supporting positive family and wider social relationships' the following point be added: 'Engage with schools and parents/guardians to ensure that the teaching of SRE is balanced and adequate.'

7.2 Mayor's Strategic MSG Programme

Please note that the order of business was varied to allow this Agenda item to be considered after Item 2 (Declarations of Disclosable Pecuniary Interests). However, for ease of reference the minutes are set out in the order in the agenda.

Councillors Ohid Ahmed, Alibor Choudhury, Rabina Khan and Rania Khan declared pecuniary interests in this item and left the room for the duration of the discussion.

Special Circumstances and Reasons for Urgency

The Mayor informed Members of the Cabinet that the special circumstances and reasons for urgency associated with the proposals were detailed in the report. The **Mayor** subsequently **agreed** the special circumstances and reasons for urgency as set out in the report and also set out below:

The commissioning process for mainstream grant funded activities has experienced an unprecedented increase in applications with over 430 applications for MSG support, and it is for that reason that an extension of current contracts to the end of December 2012 was approved by the Mayor in

Cabinet at the meeting of 5th September. The assessment process is now complete and in order to comply with the TH Compact, and give reasonable notice to organisations, so they can make required changes to service provision and where necessary establishments, a decision is now required to progress with the next stage of the commissioning process.

Chris Holme, Service Head Resources, Development and Renewal introduced the report. He highlighted the processes that had been undertaken to produce the recommendations presented to the Mayor in the report.

During discussion a number of issues were raised including:

- The importance of the grants programme during a time of economic difficulties.
- The need to find innovative ways of working with the third sector to deliver services.
- Questions as to whether all necessary information was contained in the report and the delays experienced in the process.
- Overall allocations to particular sectors such as social welfare advice were at appropriate levels.
- The need to ensure that if new bids were replacing existing services that care was taken to ensure they were an improvement.

Responding to questions, officers stated that:

- The Equality Impact Assessments would set out the evidence basis for the recommendations.
- The Mayor would have additional funds to allocate later in the year.

The Mayor highlighted his commitment to the grants programme and the value he placed on the Council's partnership with the third sector. He stated that there would be a number of difficult decisions to take and that it was clear that some organisations wished the recommendations be reviewed.

Decision

1. To notify all groups who have applied for Mainstream Grants that the Mayor is minded to accept the recommendations of the Board as detailed in the report and to invite them, if they are dissatisfied by the recommendation to request a review within 7 days of being notified so a decision on the actual awards can be made as soon as possible.

8. A SAFE AND COHESIVE COMMUNITY

8.1 Enforcement Policy

Decisions

1. To consider the information set out in the report.
2. To agree the revised enforcement policy in Appendix 3.

9. A HEALTHY AND SUPPORTIVE COMMUNITY

9.1 Learning Disabilities Day Opportunities - Modernisation Programme

Councillors Ann Jackson declared a pecuniary interest in this item and left the room for the duration of the discussion.

The Mayor **deferred** consideration of the recommendations until a later date.

10. ONE TOWER HAMLETS

10.1 Reviewing how the Arts and Events team, promote the principles of One Tower Hamlets. In particular, how arts and events strengthen community cohesion and build community leadership

Councillor Ann Jackson, Chair of the Overview and Scrutiny Committee, introduced the report. She highlighted the good work of the Arts and Events Team and how they delivered the One Tower Hamlets principles.

Councillor Alibor Choudhury, Cabinet Member for Resources, requested an amendment to the report recommendation to highlight the importance of meeting the aims of the action plan in all parts of the Borough.

The Mayor welcomed the report and agreed to the suggested recommendation change and unless there were budgetary issues or that the timescales were not feasible agreed with the recommendations.

Decision

1. To Consider the report of the scrutiny challenge session and agree the action plan in response to the review recommendations in all parts of the borough.

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

12. UNRESTRICTED REPORTS FOR INFORMATION

12.1 Exercise of Corporate Directors' Discretions

Decision

1. To note the exercise of Corporate Directors' discretions as set out in Appendix 1.

13. EXCLUSION OF THE PRESS AND PUBLIC

Decision

That pursuant to regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and public be excluded from the remainder of the meeting:

- (a) As it was likely, in view of the nature of the business to be transacted in Section Two of the agenda, that if members of the public were present during consideration of this business there would be disclosure of exempt information.
 - Exempt information is defined in section 100I and, by reference, Schedule 12A of the Local Government Act 1972 ("the 1972 Act"). To be exempt, information must fall within one of the categories listed in paragraphs 1 to 7 of Schedule 12A, must not fall within one of the excluded categories in paragraphs 8 and 9 and the public interest in maintaining the exemption must outweigh the public interest in disclosing the information.
 - Agenda item 14. "Exempt/ Confidential Minutes" (of the meeting of the Cabinet held on 5 September 2012) contained information:

Relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the Council.
 - Agenda item 19.1 "Learning Disabilities Day Opportunities – Modernisation Programme" (CAB 042/123)." Contained information:

Relating to an individual, the financial or business affairs of any particular person (including the authority holding that information) and information relating to labour relations.
- (b) As although there is a public interest favouring public access to local authority meetings, in this case the Cabinet concluded that given the information contained in:
 - Agenda item 14. "Exempt/ Confidential Minutes" (of the meeting of the Cabinet held on 5 September 2012) contained information:

Relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the Council.

- Agenda item 19.1 “Learning Disabilities Day Opportunities – Modernisation Programme” (CAB 042/123).” Contained information:

Relating to an individual, the financial or business affairs of any particular person (including the authority holding that information) and information relating to labour relations.

that the public interest in maintaining the exemption on the information outweighed the public interest in disclosing it.

14. EXEMPT / CONFIDENTIAL MINUTES

Minutes (Cabinet 5 September 2012) were presented for information.

15. OVERVIEW & SCRUTINY COMMITTEE

15.1 Chair's advice of Key Issues or Questions in relation to Exempt / Confidential Business to be considered.

The Clerk advised that there were no items of business to be considered under this section of the agenda.

15.2 Any Exempt / Confidential Decisions "Called in" by the Overview & Scrutiny Committee

Nil items.

16. A GREAT PLACE TO LIVE

Nil items.

17. A PROSPEROUS COMMUNITY

Nil items.

18. A SAFE AND COHESIVE COMMUNITY

Nil items.

19. A HEALTHY AND SUPPORTIVE COMMUNITY

Nil items.

20. ONE TOWER HAMLETS

Nil items.

20.1 Learning Disabilities Day Opportunities - Modernisation Programme

The report was tabled at the meeting and the Mayor **deferred** consideration of its recommendations.

21. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS CONSIDERED TO BE URGENT

Nil items.

22. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION

Nil items.

The meeting ended at 7.33 p.m.

Chair, Mayor Lutfur Rahman
Cabinet