

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.34 P.M. ON WEDNESDAY, 3 DECEMBER 2014

**C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Mayor Lutfur Rahman	
Councillor Ohid Ahmed	(Cabinet Member for Community Safety)
Councillor Shahed Ali	(Cabinet Member for Clean and Green)
Councillor Abdul Asad	(Cabinet Member for Health and Adult Services)
Councillor Alibor Choudhury	(Cabinet Member for Resources)
Councillor Shafiqul Haque	(Cabinet Member for Culture)
Councillor Rabina Khan	(Cabinet Member for Housing and Development)
Councillor Aminur Khan	(Cabinet Member for Policy, Strategy and Performance)
Councillor Gulam Robbani	(Cabinet Member for Education and Children's Services)

Other Councillors Present:

Councillor Peter Golds	(Leader of the Conservative Group)
Councillor Danny Hassell	
Councillor Denise Jones	
Councillor Md. Maium Miah	
Councillor Andrew Wood	
Councillor Abjol Miah	
Councillor Muhammad Ansar	
Mustaquim	

Officers Present:

Dr Somen Banerjee	(Interim Director of Public Health, LBTH)
Robin Beattie	(Service Head, Strategy & Resources, Communities Localities & Culture)
Aman Dalvi	(Corporate Director, Development & Renewal)
Peter Farnham	(Strategic Planning Officer)
Stephen Halsey	(Head of Paid Service and Corporate Director Communities, Localities & Culture)
Chris Holme	(Acting Corporate Director - Resources)
Chris Lovitt	(Associate Director of Public Health)
Robert McCulloch-Graham	(Corporate Director, Education Social Care and Wellbeing)
Poppy Noor	Project Manager - Mayor's Office
Jackie Odunoye	(Service Head, Strategy, Regeneration & Sustainability, Development and Renewal)
Louise Russell	(Service Head Corporate Strategy and Equality,

Takki Sulaiman	Law Probity & Governance) (Service Head Communications, Law, Probity and Governance)
Meic Sullivan-Gould David Williams	(Interim Monitoring Officer, Legal Services, LPG) (Deputy Service Head, Planning and Building Control, Development & Renewal)
Matthew Mannion	(Committee Services Manager, Democratic Services, LPG)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of Disclosable Pecuniary Interests were made.

3. UNRESTRICTED MINUTES

The unrestricted minutes of the Cabinet meeting held on 5 November 2014 were noted.

Action by:

SERVICE HEAD, DEMOCRATIC SERVICES (J. S. WILLIAMS)
(Committee Services Manager (M. Mannion))

4. PETITIONS

Petition against proposals to close nursery provision

The petitioners addressed the Cabinet meeting, the Cabinet discussed the issues raised and the **Mayor** responded to the points raised in the petition.

DECISION

1. That the petition be referred to the Corporate Director, Education, Social Care and Wellbeing for a written response on any outstanding matters within 28 days.

Action by:

CORPORATE DIRECTOR, EDUCATION, SOCIAL CARE AND WELLBEING
(R. McCULLOCH-GRAHAM)

5. OVERVIEW & SCRUTINY COMMITTEE**5.1 Chair's Advice of Key Issues or Questions in Relation to Unrestricted Business to be Considered****Pre-Scrutiny Questions in relation to Items on the agenda.**

Councillor Joshua Peck, Chair of the Overview and Scrutiny Committee, **tabled** a number of pre-scrutiny questions in relation to items on the agenda. Lead Members and officers responded to each question during consideration of the respective items.

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

Nil items.

6. A GREAT PLACE TO LIVE**6.1 Interim Disposals Programme****DECISION**

1. To note the contents of this report;
2. To agree that the land and buildings at Whitehorse Road/Commercial Road (as shown in the map in Appendix A) are surplus to requirement;
3. To agree to the disposal of the site by informal tender;
4. To authorise officers to appoint external agents to support the marketing of the site;
5. To authorise the Corporate Director, Development and Renewal to accept the best tender return for the site on conclusion of the marketing exercise; and
6. To authorise the Corporate Director, Development and Renewal, following consultation with the Service Head – Legal Services, to agree the terms and conditions of any agreements required to implement the recommendations above.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Service Head, Corporate Property and Capital Delivery (A. Sutcliffe))

Reasons for the decision

It is important at a time of reducing funding and budgets in the public sector, to ensure that efficiencies are driven through the running and/or disposals of our assets to reduce revenue costs.

The decisions in this report will contribute to the continual review and rationalisation of council assets, and help reduce the council's operational portfolio to the minimum required.

The disposals will generate capital receipts for the council, which can be directed to the its priorities on housing, education, and infrastructure projects. They will also reduce revenue expenditure on upkeep, maintenance and security.

The development of the Whitehorse Road/Commercial Road site will also bring an empty and derelict site back into use.

Alternative options

The council has considered the possibility of developing the Whitehorse Road/Commercial Road site itself, but the funding to deliver this option is not currently available.

6.2 Draft South Quay Masterplan (Supplementary Planning Document)**DECISION**

1. To approve the draft South Quay Masterplan SPD (contained in Appendix 1 to the report) for statutory public consultation.
2. To authorise the Corporate Director of Development and Renewal, after consultation with the Lead Member for Housing, Development and Renewal, to make any necessary and appropriate minor amendments to the draft South Quay Masterplan SPD, prior to the statutory public consultation.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Team Leader Plan Making (M. Ryan-Hernandez))

Reasons for the decision

Within the South Quay area, the amount, scale, height and densities of residential development currently being proposed by developers is greater than envisaged in the Council's Local Plan and Millennium Quarter Masterplan. This provides an excellent opportunity to deliver housing (including affordable housing) to meet local need and secure community benefits for the whole borough.

There are twenty-eight potential development sites within the South Quay area, each in different ownership which presents challenges and opportunities for coordinating development proposals and managing their impacts.

Given the levels of proposed growth and complex land ownership, the approval for the draft South Quay Masterplan SPD for statutory public consultation will enable the Council to begin to use the draft SPD guidance following the close of consultation prior to formal approval as an SPD. This will enable the Council to supplement the Local Plan to manage the levels of housing growth proposed by developers and ensure development:

- a) secures benefits for the wider community;
- b) optimises housing delivery (including affordable housing);
- c) guides the form and scale of development;
- d) plans for and delivers infrastructure to support existing and future residents; and
- e) creates a liveable and vibrant place.

Alternative options

The Council's Local Plan, comprising the Core Strategy (2010) and Managing Development Document (2013), provides a vision and strategic objectives for the borough and individual places including those found in South Quay (Millwall & Cubitt Town). The Local Plan, with the London Plan, could be used to guide and support development in the South Quay area.

Relying on the Local Plan, and London Plan, is not considered to be sufficient as:

- a) the levels of proposed housing growth exceed those identified in the Local Plan and in the Council's infrastructure planning;
- b) the Council would be less likely to secure community benefits to mitigate the cumulative impact of development across South Quay; and
- c) uncoordinated development would likely result in a disjointed poorly used public realm interspersed between isolated tall buildings.

6.3 Renewal of Temporary Accommodation Lease - Relta Ltd

DECISION

1. To note that a ten-year lease with Relta Ltd for the use of 34 properties within Tower Hamlets, currently used as temporary accommodation for homeless households is due to expire on 1 June 2015.
2. To agree to a renewal of the lease for a period of five years at an estimated gross cost of £3.7million, with the option to extend for a further five years, and subject to agreement on Heads of Terms.
3. To authorise the Head of Service, Housing Options to agree revised Heads of Terms or, if satisfactory Heads of Terms cannot be agreed, to return vacant possession of the 34 properties to Relta Ltd.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Service Manager, Housing Options and Procurement (C. Cormack))

Reasons for the decision

34 Properties are currently occupied by households to whom the Council owes a statutory homeless duty.

If there is no agreement to renew the lease it will be necessary to transfer the occupants to alternative accommodation.

Over the last 18 months there has been a steady decline in the number of properties available for use as temporary accommodation within Tower Hamlets. The loss of these properties will represent a further loss of properties within the Borough which are unlikely to be replaced, meaning the current occupants will almost certainly be required to move to accommodation out of the Borough.

The Council is liable for void payments on these properties once they have been made ready to let. It is highly unlikely the Council will be able to coordinate the decanting of the tenants upon the demise of the existing lease resulting in either a void liability where tenants are moved before this date or the potential for a claim for compensation if we do not deliver vacant possession by this date.

The owner of the properties has indicated their willingness to revise the Heads of Terms in the Council's favour, reducing the rents back to Temporary Accommodation Subsidy levels upon the date of renewal and amending the annual uplift clause to CPI from RPI, thereby achieving a potential saving to the Council of approximately £500,000 over five years.

If the Head of Service, Housing Options, is not satisfied with the revised Heads of Terms, the council will not enter into a new lease with Relta Ltd, will return vacant possession of the properties, and will rehouse the current occupants in alternative accommodation.

Alternative options

To place all of the current occupants on the transfer list, currently around 300 households.

To strive to transfer those households to alternative temporary accommodation – almost certain to be out of the borough – by the date the lease demises.

To become liable for the rent on all properties that become void between now and 1 June 2015. The average weekly rent for these properties is £415.28.

To accept the risk that a failure to deliver vacant possession on any of the properties by 1 June 2015 could result in legal action being taken by the company against the Council. Costs of same not possible to quantify at this stage.

6.4 Rights of Light - City Pride Development (to follow)

This report was withdrawn from the agenda.

7. A PROSPEROUS COMMUNITY

7.1 Provisional Exam Results 2014

DECISION

1. To note the 2014 Local Authority Education Results.
2. To support the proposed strategy for raising performance in the areas identified below:
 - a. plan carefully for the introduction of the two year old health and learning check to ensure any early help needed with cognitive development is identified and planed for;
 - b. continue to work with the full range of Early Years' providers to ensure two to four year olds receive the best possible start;
 - c. continue to support schools to share good practice in pedagogy, particularly related to literacy and higher order academic writing in order to improve the attainment of the most able pupils at all key stages;
 - d. work with any school that has significantly underachieved to improve standards through effective data analysis and improved teaching and learning strategies;
 - e. provide continued support and guidance to sixth forms to offer good transition plans from KS4 into KS5;
 - f. continue to promote information advice and guidance for access to Russell group and Oxbridge and high quality apprenticeships, hence contributing to the borough's employment strategy.

Action by:

**CORPORATE DIRECTOR, EDUCATION, SOCIAL CARE AND WELLBEING
(R. McCULLOCH-GRAHAM)**

(Service Head, Learning and Achievement (A. Canning))

Reasons for the decision

To support continuous improvement in results so that at each phase the outcomes exceed national expectations.

Alternative options

This report is for noting and comment only. The Mayor may suggest changes to the proposed strategy for raising performance.

8. A SAFE AND COHESIVE COMMUNITY

Nil items.

9. A HEALTHY AND SUPPORTIVE COMMUNITY

Nil items.

10. ONE TOWER HAMLETS**10.1 Single Equality Framework 14/15 and Single Equality Framework 2013/14 end of year monitoring****DECISION**

1. To agree the Tower Hamlets Single Equality Framework 2014/15.

Action by:**HEAD OF PAID SERVICE (S. HALSEY)**

(Service Head, Strategy and Equality (L. Russell))

Reasons for the decision

To Agree the council's Single Equality Framework. The Equality Act 2010 requires the council to publish annually information to demonstrate compliance with the general duty. This compliance is demonstrated in the Single Equality Framework.

Alternative options

The council has a legal duty to publish annually information to demonstrate compliance with Equality Act 2010 and this is demonstrated in the Single Equality Framework. There are alternative ways of meeting this duty - for example, developing a council wide Equality Plan which is not integrated with the Strategic Plan. However, there are strong reasons for integrating equality within our approach to business planning and this approach has been recognised as good practice by independent peers.

10.2 Medium Term Financial Plan Update**DECISION**

1. To note the changes to the draft budget position for 2015/16;
2. To agree the package of savings proposals for 2015/16 detailed in Appendix 1 to the report, taking into account the equality analyses set out in Appendix 2;
3. To agree that further business case refinement and consultation can be carried out on the proposals where necessary;
4. To consider the responses to consultation on savings proposals set out in Section 10 and included, as appropriate, in equality analyses;
5. To note the early indications of the financial position 2016/17 onwards, subject to the Autumn Statement and Local Government Finance Settlement;

6. To note that the financial position is subject to volatility and that developments in Government policy and their implications on MTFP planning assumptions will be monitored closely and reported back at regular intervals.

Action by:**ACTING CORPORATE DIRECTOR, RESOURCES (C. HOLME)****Reasons for the decision**

The authority is under a duty to set a balanced and sustainable budget and needs to plan the use of resources in such a way that it can deliver its statutory responsibilities and priorities as well as meeting local people's aspirations.

A Medium Term Financial Plan is required to enable financial pressures and risks to be modelled, allowing resourcing decisions to be made in a planned and structured manner. This is especially pertinent when overall resources are reducing, and unaffordable spending commitments need to be avoided.

Alternative options

The authority has a duty under best value to deliver services within available resources, while ensuring value for money in the use of these resources and managing risks through effective financial planning.

The authority could choose to examine options at a later date, with more certainty over the exact level of government funding. This would inevitably lead to delays in implementation and delivery, increasing savings targets for future years.

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 to the report.

Action by:**ACTING CORPORATE DIRECTOR, RESOURCES (C. HOLME)**

(Financial Planning Manager (E. Hussain))

Reasons for the decision

Financial Regulations require that regular reports be submitted to Council/Committee setting out financial decisions taken under Financial Regulation B8.

The regular reporting of Corporate Director's Discretions should assist in ensuring that Members are able to scrutinise officer decisions.

Alternative options

The Council is bound by its Financial Regulations (which have been approved by Council) to report to Council/Committee setting out financial decisions taken under Financial Regulation B8.

If the Council were to deviate from those requirements, there would need to be a good reason for doing so. It is not considered that there is any such reason, having regard to the need to ensure that Members are kept informed about decisions made under the delegated authority threshold and to ensure that these activities are in accordance with Financial Regulations.

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 16.1 "Interim Disposals Programme" 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 financial affairs of the Council.
- (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 the above listed reports that the public interest in maintaining the exemption on the information outweighed the public interest in disclosing it.

14. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

15. OVERVIEW & SCRUTINY COMMITTEE

15.1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business to be Considered.

Nil items.

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

Nil items.

16. A GREAT PLACE TO LIVE

16.1 Interim Disposals Programme

DECISION

1. To note the capital receipt which may be realised for the site at Whitehorse Lane/Commercial Road (para 3.1).

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Service Head, Corporate Property and Capital Delivery (A. Sutcliffe))

Reasons for the decision

Please see item 6.1 on the decision sheet.

Alternative options

Please see item 6.1 on the decision sheet.

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.

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

Nil items.

22. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION

Nil items.

The meeting ended at 6.41 p.m.

John S Williams
SERVICE HEAD, DEMOCRATIC SERVICES