

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE CABINET

HELD AT 5.34 P.M. ON TUESDAY, 6 OCTOBER 2015

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

Members Present:

Mayor John Biggs
Councillor Sirajul Islam (Statutory Deputy Mayor and Cabinet Member for Housing Management & Performance)
Councillor Rachael Saunders (Deputy Mayor and Cabinet Member for Education & Children's Services)
Councillor Rachel Blake (Cabinet Member for Strategic Development)
Councillor David Edgar (Cabinet Member for Resources)
Councillor Ayas Miah (Cabinet Member for Environment)
Councillor Joshua Peck (Cabinet Member for Work & Economic Growth)
Councillor Amy Whitelock Gibbs (Cabinet Member for Health & Adult Services)

Other Councillors Present:

Councillor Khales Uddin Ahmed
Councillor Rajib Ahmed (Deputy Speaker of the Council)

Apologies:

Councillor Shiria Khatun (Deputy Mayor and Cabinet Member for Community Safety)
Councillor Asma Begum (Cabinet Member for Culture)

Officers Present:

Luke Addams (Interim Director of Adult's Services)
Monju Ali (Project Officer)
Katherine Ball (Senior Accountant, Development & Renewal)
Andy Bamber (Service Head Safer Communities, Crime Reduction Services, Communities, Localities and Culture)
Melanie Clay (Director, Law Probity and Governance)
Zena Cooke (Corporate Director, Resources)
Aman Dalvi (Corporate Director, Development & Renewal)
Tony Evans (Senior Business Executive)
Stephen Halsey (Corporate Director Communities, Localities & Culture)
Paul Leeson (Finance Manager, Development & Renewal)
Adele Maher (Strategic Planning Manager, Development and Renewal)

Niall McGowan	(Housing Regeneration Manager)
Jackie Odunoye	(Service Head, Strategy, Regeneration & Sustainability, Development and Renewal)
Kelly Powell	(Acting Head of Communications)
Louise Russell	(Service Head Corporate Strategy and Equality, Law Probity & Governance)
David Tolley	(Head of Consumer and Business Regulations Service, Safer Communities, Communities Localities & Culture)
Matthew Vaughan	(Political Adviser to the Conservative Group)
Owen Whalley	(Service Head Planning and Building Control, Development & Renewal)
Debbie Jones	(Interim Corporate Director, Children's Services)
Matthew Mannion	(Committee Services Manager, Democratic Services, LPG)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Shiria Khatun (Deputy Mayor and Cabinet Member for Community Safety)
- Councillor Asma Begum (Cabinet Member for Culture)

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of Disclosable Pecuniary Interests.

3. UNRESTRICTED MINUTES

RESOLVED

1. That the unrestricted minutes of the Cabinet meeting held on Tuesday 8 September 2015 be agreed and signed by the Chair as a correct record of proceedings.

4. OVERVIEW & SCRUTINY COMMITTEE

4.1 Chair's Advice of Key Issues or Questions

Councillor John Pierce, Chair of the Overview and Scrutiny Committee (OSC), provided an update on the OSC meeting of the previous evening. In particular he highlighted the work of the Transparency Commission. Further evidence had been considered at the meeting including around open data, access to information and accessibility to the public, for example that the OSC meetings were now being audio webcast.

He also reported that main item of business at the next meeting of the OSC would be to look at the Council's budget and in particular proposed budget savings, and growth areas, for the next financial year.

The **Mayor** thanked Councillor John Pierce for his report. He welcomed the OSC Transparency Commission and reported that he was also examining this issue and would be presented a report to Cabinet at its next meeting.

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

Nil items.

5. UNRESTRICTED REPORTS FOR CONSIDERATION

5.1 Food Law Report of 2015/16 and review of 2014/15

Councillor Ayas Miah, Cabinet Member for Environment, introduced the report. He highlighted that the report set out the Council's annual plan for effective enforcement of food safety legislation.

The **Mayor** noted that Tower Hamlets was one of the busiest Boroughs in terms of food hygiene activity. He **agreed** the recommendation as set out in the report.

RESOLVED

1. To approve the Tower Hamlets Food Law Enforcement Plan 2015/2016 and Food Sampling Policy attached at the Appendix of the report.

5.2 Gambling Policy [Pre-Consultation]

Councillor Joshua Peck, Cabinet Member for Work and Economic Development, introduced the report. He highlighted that this report was seeking agreement to begin consultation on a revised Gambling Policy.

The **Mayor** highlighted that educating consumers had an important role to play and he noted the new requirement for operators to carry out risk assessments. He **agreed** the recommendations as set out in the report.

RESOLVED

1. To agree the forward programme for revising the Gambling Policy

2. To agree that the proposed consultation should be based on the existing Policy updated in accordance with guidance from the central government agencies.

5.3 South Quay Master Plan Supplementary Planning Document

The **Mayor** introduced the report and noted the additional submission received

Councillor Rachel Blake, Cabinet Member for Strategic Development, reported that, whilst this document could not fundamentally change the planning regime in the area it offered important guidance as a shaping document.

The **Mayor** noted comments that officers considered that the document covered the issues raised in the late submission and he also noted that it was important to concentrate retail operations in town centres. He **agreed** the recommendations set out in the report subject to noting the additional submission received.

RESOLVED

2. To adopt the South Quay Masterplan SPD (contained in Appendix 1 to the report) and approve its supporting documents (contained in Appendices 2-7 to the report).
3. To agree that upon adoption of the South Quay Masterplan SPD, the Millennium Quarter Masterplan SPD (2000) will be revoked.
4. To note the late submission received on behalf of the Ballymore Group.

5.4 Housing Resources and Capital Delivery

Councillor Rachel Blake, Cabinet Member for Strategic Development, introduced the report. He explained that the report brought forward further detail on the strategy agreed in July. There were also changes in the list of sites involved.

The **Mayor** thanked the Lead Member, other Members and officers for the work they had undertaken on this strategy. It was now important for the preparation work to get underway. He **agreed** the recommendations as set out in the report.

RESOLVED

1. To authorise the Corporate Director, Development & Renewal

- a. to return the GLA grant element as it applies to the development schemes at Ashington East, Hereford and Locksley
- b. to give up the additional borrowing awarded under the Local Growth Fund in respect of sites at Baroness Road and Jubilee Street.
2. To agree the removal of the small sites at Brick Lane, Spelman Street, Christian Street, and Mile End Road from the programme on the basis that they do not represent an effective use of Council resources.
3. To approve the adoption of a capital estimate of £10 million in pursuit of a revised development programme to be funded from Right To Buy receipts, in order to enable the appointment of professional services, including technical advisors, architects, employer's agents, surveys, and allow the schemes detailed in the table at paragraph 3.11.3. to be developed up to RIBA stage 3.
4. To adopt a capital estimate of £27.3 million for the purchase of up to a maximum of 85 former social housing leasehold and/or freehold stock in the borough, subject to these satisfying conditions of affordability and good quality management.
5. To agree a capital estimate of £7.06 million be allocated for the creation of a Local Affordable Housing Grant scheme subject to the Commissioners' decision as required by the 2014 Directions.
6. To authorise the Director, Development & Renewal, to procure services and works and to let contracts in the delivery of the new homes in as far as required to fulfil recommendation 3 above.
7. To authorise the Director, Development & Renewal, to purchase social housing leasehold or freehold stock in the borough as per paragraph 4 above, including properties with a purchase value exceeding £250k and to procure services and works to bring the properties up to the required standards for letting to social tenants.
8. To note that an enhanced development programme with an indicative value of £115 million for the delivery of circa 400 new homes is being assessed for inclusion within the capital programme. This will incorporate a review of the developments included in recommendation 1.
9. To note that should schemes not proceed following development to RIBA stage 3, these costs will be abortive and therefore must be charged to revenue. If so, the costs will be financed from revenue resources earmarked to finance a Revenue Contribution to Capital expenditure.
10. To note that the proposed programme is currently over-programmed to allow for medium term planning, however the schemes will not

progress beyond RIBA Stage 3 unless the total funding on a scheme by scheme basis is in place.

11. To note that a Resident Communication and Engagement Strategy will be developed and implemented for the delivery of the Capital Development Programme.

5.5 CPO - Aberfeldy Estate Regeneration Programme Phase 3-6

Councillor Rachel Blake, Cabinet Member for Strategic Development, introduced the report. She highlighted that the compulsory purchase order was necessary to allow a vital redevelopment scheme to take place.

Ward Councillors Khales Uddin Ahmed and Rajib Ahmed highlighted concerns they were hearing from residents that issues were not being resolved by Poplar HARCA. Particular issues highlighted were that many community groups were unaware of the proposals and the likely impact on their work and that in general a proper consultation had not taken place.

Members discussed the report. Councillor Sirajul Islam, Deputy Mayor and Cabinet Member for Housing Management and Performance, requested and received clarification on the freehold or leasehold status of the Aberfeldy Islamic Cultural Centre. In addition, in response to questions, officers reported that:

- design and planning consultation had taken place but that engagement on the CPO with those specifically affected Would take place during the preparation of the Order.
- In relation to the impact on Community Groups, it was noted that all three affected community groups were being offered space in the new community premises.
- The new facilities would need to include office space if that was currently being provided.

It was noted that use of the community building was not just for those who lived on the estate.

Considering the retail units, it was explained that shop keepers would be offered new premises in the scheme if this was their preference. There would also be an option to agree terms for those who did not wish to continue their business. It was possible that shop rents could be higher especially if increased population resulted in increased footfall.

Members were concerned to ensure that future rent levels for shops and community groups (including the AICC) would be appropriate and that the impact on businesses and community groups would be properly dealt with.

To ensure that these concerns were addressed, Members agreed that certain issues needed to be safeguarded in the agreement. Specifically that:

- The three specified Community Organisations needed to be provided with appropriate accommodation in the new community centre and that this should include appropriate office facilities.
- Details of proposals for rent levels for businesses needed to be confirmed and set out satisfactorily (as far as possible to do so at this stage) to enable businesses to consider their options, and should offer reasonable protection to existing businesses.

The **Mayor** stated that he wished to review the Indemnity Agreement before it was signed to ensure that it covered all the points that had been raised in the meeting (to be set out in the minutes) and therefore agreed the recommendations with that amendment.

RESOLVED

- 2.1 To agree the making, confirming and implementation of a Compulsory Purchase Order (CPO) to include specific land interests that must be acquired to facilitate the redevelopment by Poplar HARCA of Aberfeldy Estate phases 3-6, to provide new housing and estate regeneration.
- 2.2 Subject to recommendation 2.6, delegate to the Corporate Director of Development and Renewal, after consultation with the Director of Law, Probity and Governance (or their nominee), the power to effect the making, confirming and implementation of the CPO and to take all necessary steps to give effect to the CPO in respect of the land shown edged red on the plan at **Appendix 1** including, but not limited to, the following procedural steps:
 - 2.2.1 Acquiring all known interests in land and any additional interests identified through the land referencing process within the CPO boundary, as shown at **Appendix 1**, either by private agreement or compulsorily, including those specific interests listed in **Appendix 3**.
 - 2.2.2 Appointing land referencing agents, making the CPO, the publication and service of any press, site and individual notices and other correspondence for such making.
 - 2.2.3 Monitoring of negotiated agreements by Poplar HARCA with land owners or others as applicable, setting out the terms for withdrawal of objections to the CPO, including where appropriate seeking exclusion of land or new rights from the CPO.
 - 2.2.4 Seeking confirmation of the CPO by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act 1981), including the preparation and presentation of the Council's case at any Public Inquiry which may be necessary.

- 2.2.5 Publication and service of notices of confirmation of the CPO and thereafter to execute and serve any General Vesting Declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area.
- 2.2.6 Issuing of General Vesting Declarations and/or Notices to Treat in respect of the land/interests within the area edged red on the plan at **Appendix 1** and those listed at **Appendix 2**.
- 2.2.7 Referral and conduct of disputes, relating to compulsory purchase compensation, at the Upper Tribunal (Lands Chamber).
- 2.2.8 Transfer of any land interests compulsorily acquired by the Council to Poplar HARCA, for nil consideration, within a timescale to be agreed with Poplar HARCA.
- 2.2.9 To agree the terms and conditions, including any consideration, of the transfer of the freehold or long leasehold interests to Poplar HARCA of the three land parcels referred to below and enter into such documentation necessary to complete the transactions.
- 2.2.10 To invoke its powers under section 237 of the Town and Country Planning Act 1990, or any other enabling power, to manage any Rights of Lights claims that may arise, including issuing any compensation payments.
- 2.3 To agree that the delegation set out in 2.2.9 should include the finalisation of all terms and conditions, including any financial consideration, for the transfer of the freehold interests to Poplar HARCA of the three land parcels described in section 10 (Land Disposal) below and identified on the plan at **Appendix 2**, the plots of land which are currently in the freehold ownership of the Council and are required by Poplar HARCA for the purposes of the delivery of the regeneration. The sites are:
- The 'Community Access Centre' and Multi Use Games Area on Aberfeldy Street on long lease to Poplar HARCA
 - Kirk Michael Road and adjoining pavement
 - The pavement fronting the existing shops at No.25-55 Aberfeldy Street
- 2.4 Determine that the use of CPO powers is exercised after balancing the rights of individual property owners with the requirement to obtain vacant possession of the site.
- 2.5 Determine that the interference with the human rights of the property owners affected by these proposals, and in particular their rights to a

home and to the ownership of property, is proportionate, given the adequacy of their rights to object and to compensation, and the benefit to the economic, social and environmental well-being of the areas of Tower Hamlets affected by these proposals.

- 2.6 Delegate to the Corporate Director, Development and Renewal, in consultation with the Director of Law Probity and Governance (or their nominee) and the Mayor, the power to agree the terms of and enter into an Indemnity Agreement with Poplar HARCA which provides a framework for the respective obligations of the Council and Poplar HARCA in the promotion and application of powers, including an obligation for the Council to transfer the land to Poplar HARCA for nil consideration, and the ability for the Council to recover its costs in conducting and managing the CPO, including all compensation costs to be paid.

5.6 Strategic Performance, General Fund Revenue Budget and Capital Programme Monitoring 2015/16 Q1

Councillor David Edgar, Cabinet Member for Resources, introduced the report providing a breakdown of the Council's performance and financial position for the first quarter of the year. He reported that Lead Members would regularly monitor relevant areas with their respective Corporate Directors.

He highlighted a concern that only 3% of the Capital Budget had been spent and it was important to ensure planned expenditure happened in good time.

The report was discussed and a number of issues were raised including:

- Levels of sickness absence
- More information was needed on capital monitoring to ensure it was clear to members of the public.
- The time to adoption figures were poor and the explanation was unsatisfactory. More information was needed next time.

It was noted that the Ashington East Capital Programme was over budget.

The **Mayor agreed** the recommendations set out in the report.

RESOLVED

5. Note the Council's financial performance compared to budget for 2015/16 as detailed in Sections 2 to 5 and Appendices 1-4 of this report.
6. Review and note performance for strategic measures and Strategic Plan activities in Appendix 5.

7. Note details of Ashington East Capital Programme included in the report titled 'Housing Resources and Capital Delivery', agenda item 5.4

5.7 Contracts Forward Plan 2015/16 Q2 and Q3

Councillor David Edgar, Cabinet Member for Resources, introduced the report. He highlighted that the report gave Cabinet an opportunity to request more information on any of the listed upcoming procurement contracts.

Councillor Joshua Peck, Cabinet Member for Work and Economic Growth, reported concerns about the ways trees were being pruned and whether some trees were being removed unnecessarily. It was agreed that Members would receive a briefing note on that contract before the tendering process was undertaken.

Noting the above, the **Mayor** agreed that all contracts could proceed to tender and contract award.

RESOLVED

1. To consider the contract summary at Appendix 1 to the report.
2. To confirm that all contracts may proceed to contract award after tender.
3. To authorise the Service Head - Legal Services to execute all necessary contract documents in respect of the awards of contracts referred to at recommendation 2 above.

5.8 Scrutiny Review: Contract Specification and Management in Tower Hamlets

Councillor David Edgar, introduced the report. He noted that the recommendations were the result of a Scrutiny Review and that the proposals were sound.

The **Mayor agreed** the recommendation as set out in the report.

RESOLVED

1. To consider this report of the scrutiny working group and agree the action plan in response to the review recommendations.

5.9 Corporate Directors' Decisions

Councillor David Edgar, Cabinet Member for Resources, introduced the report. Members asked for information on the spend on scaffolding by the Council.

The **Mayor agreed** the recommendation as set out.

RESOLVED

8. To note the Corporate Directors' decisions set out in Appendix 1 to the report.

5.10 List of Mayor's Individual Executive Decisions

The **Mayor** introduced the noting report listing recent Individual Mayoral Decisions taken outside of Cabinet meetings. He noted the report.

RESOLVED

9. To note the Individual Mayoral Decisions set out in Appendix 1 to the report.

6. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

7. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

8. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

9. OVERVIEW & SCRUTINY COMMITTEE

9.1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business

Nil items.

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

Nil items.

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

Nil items.

The meeting ended at 6.40 p.m.

MAYOR JOHN BIGGS