

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.34 P.M. ON TUESDAY, 1 DECEMBER 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 Shiria Khatun	(Deputy Mayor and Cabinet Member for Community Safety)
Councillor Rachael Saunders	(Deputy Mayor and Cabinet Member for Education & Children's Services)
Councillor Rachel Blake	(Cabinet Member for Strategic Development)
Councillor Asma Begum	(Cabinet Member for Culture)
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 Danny Hassell
Councillor John Pierce
Councillor Andrew Wood

Officers Present:

Dr Somen Banerjee	(Director of Public Health, LBTH)
Keith Burns	(Programme Director Special Projects, Commissioning & Health, Education Social Care & Wellbeing)
Tony Evans	(Senior Business Executive)
Chris Holme	(Service Head, Resources & Economic Development)
Kelly Powell	(Acting Head of Communications)
Dean RiddickMcGregor	(Political Adviser to the Labour Group)
Louise Russell	(Service Head Corporate Strategy and Equality, Law Probity & Governance)
Rachael Sadegh	(DAAT Manager, Community Safety Service, Communities Localities & Culture)
Owen Whalley	(Service Head Planning and Building Control, Development & Renewal)
Luke Addams	(Interim Director of Adult's Services)
Melanie Clay	(Director, Law Probity and Governance)
Zena Cooke	(Corporate Director, Resources)

Aman Dalvi	(Corporate Director, Development & Renewal)
Stephen Halsey	(Corporate Director Communities, Localities & Culture)
Will Tuckley	(Chief Executive)
Debbie Jones	(Interim Corporate Director, Children's Services)
Katie Cole	(Senior Speciality Registrar in Public Health)
Matthew Mannion	(Committee Services Manager, Democratic Services, LPG)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no Declarations of Disclosable Pecuniary Interests.

3. UNRESTRICTED MINUTES

DECISION

1. That the unrestricted minutes of the Cabinet meeting held on Tuesday 3 November 2015 be approved and signed by the Mayor as a correct record of proceedings.

4. OVERVIEW & SCRUTINY COMMITTEE

4.1 Chair's Advice of Key Issues or Questions

A number of Pre-Scrutiny Questions were submitted in respect of agenda items 5.1 (Our Borough, Our Plan) and 5.6 (Scrutiny Review – Literacy across Early Years, Primary, Secondary and Adult Learning). The questions were responded to during the discussion of those items.

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

Nil items.

5. UNRESTRICTED REPORTS FOR CONSIDERATION**5.1 Our Borough, Our Plan - Local Plan First Steps; and supporting information****DECISION**

1. To approve the draft “Our Borough, Our Plan: A New Local Plan First Steps” (contained in appendix 1) and the supporting documents (contained in appendix 2 – 3) for public consultation.
2. To authorise the Corporate Director for Development and Renewal, on behalf of the Mayor, to make any necessary and appropriate minor amendments to the draft of “Our Borough, Our Plan: A New Local Plan First Steps” (appendix 1) prior to public consultation (anticipated to commence on 14th December 2015).

Action by:**CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)**

(Strategic Planning Manager (A. Maher))

Reasons for the decision

Since the adoption of the Core Strategy (2010) and Managing Development Plan Document (2013), Tower Hamlets has experienced significant changes. In particular, continued population growth and increasing demand for homes, jobs and infrastructure are occurring. Information from the Office for National Statistics (ONS) showed that the population of Tower Hamlets was estimated to be 284,000 in June 2014, and this is expected to increase by 13 per cent to reach 320,000 by 2023. The Borough has a relatively young working age population, with almost half of all residents of the Borough (49 per cent) aged between 20 and 39. Tower Hamlets is the fourth largest employment location in London with 240,000 jobs based in the Borough in 2012. The Greater London Authority estimates that the number of jobs in the Borough will increase by 169,000 between 2010 and 2031. The Further Alterations to the London Plan (FALP) (GLA, 2015) has correspondingly increased Tower Hamlets’ minimum ten year housing target from 28,850 to 39,314 new homes over the plan period.

These combined changes will have significant implications for the Council’s planning policies, in particular the need to plan for sufficient additional infrastructure to support the increasing population.

The pace of development in Tower Hamlets is faster than anywhere else in London, and a fresh look at our policies is required to help manage the rate of this change. New development helps to bring forward new affordable housing for residents and new community facilities, such as schools and health centres to meet the needs of these growing communities. The Mayor of London has identified the Isle of Dogs and South Poplar and City Fringe as “Opportunity Areas” where significant additional homes and jobs are expected to be accommodated. A large part of the east of the Borough is included in

the Poplar Riverside Housing Zone, also an initiative of the Mayor of London to drive forward housing growth.

Planning policy changes have been introduced at both a national and regional level. Amongst others, this includes the National Planning Policy Framework (NPPF) (2012) and National Planning Practice Guidance, the FALP and additional Supplementary Planning Guidance (SPG) documents from the Mayor of London. The Council is proactively responding to these changes by preparing a new Local Plan that will replace the current Core Strategy and Managing Development Document when it is adopted in Autumn 2017. This will help ensure that the growing needs of the Borough residents can continue to be met through the provision of affordable housing, jobs, community facilities and infrastructure.

The process of producing a new Local Plan takes approximately two to three years. It is therefore important that the Council starts this process now and approves a new Local Plan which responds to the updated projections of population growth, new government legislation and policy requirements.

The new Local Plan is programmed to be adopted by autumn 2017. In order to deliver a new Local Plan within this timeframe it is essential that we obtain approval from the Mayor at Cabinet to start the first round of public consultation without delay in December 2015.

Alternative options

ALTERNATIVE OPTION A: NO CHANGE TO EXISTING LOCAL PLAN

The Council could decide not to prepare a new Local Plan. However, for the reasons outlined above this option is not advisable. Should the Council delay its process of updating the current Local Plan documents there is a high risk that the Borough may not be able to fully plan properly for the additional new homes, jobs and infrastructure such as schools, parks, health facilities, transport needed to meet the extra demand from a rapidly growing population.

Furthermore, if the Council's existing Local Plan policies contained in the Core Strategy and Managing Development Document, as well as the evidence base that underpins these policies, are not reviewed, there is a risk that they might not be working as effectively as they could or best respond to updates and changes to national and regional guidance and legislation. As a result the Council may not be able to maximise social, economic and environmental benefits for Tower Hamlets communities from development.

ALTERNATIVE OPTION B: PARTIAL REVIEW OF EXISTING LOCAL PLAN

This option would involve the review of only those policies in the current Local Plan documents that are considered to be in need of updating as a result of changes to population growth and national and regional legislation and guidance.

This option is not recommended for a number of reasons. The policies in the Local Plan should be read as a whole and therefore would need to be considered together, as part of any review. It will be difficult to separate the policies out and argue that they are disconnected and have not, in some way, been affected by changes to population and new government legislation and guidance. In addition, the Core Strategy was adopted more than five years ago and much of the evidence base to support its policies was prepared before 2010. The Borough and national planning legalisation has changed considerably since then and it is advisable to do a whole review, to ensure the Local Plan policies function effectively, individually and together.

It may be the case that the more recently adopted local policies in the Managing Development Document will stay the same or be subject to less change than the Core Strategy policies. The wording of many of the existing Managing Development Document policies could remain the same in the new Local Plan. It could be therefore argued, that only the strategic policies of the Core Strategy should be reviewed and not the policies in the Managing Development Document. However, officers advise that good practice is applied and for the Council to review both the strategic and local policies as a whole, as there are significant links between the policies contained in the two Local Plan documents.

5.2 Community Buildings: Allocation and Charging Policy

DECISION

1. To agree the principles to be applied to leases to be issued to tenants in council-owned community buildings, set out in section 9 of the report;
2. To agree that the basis for charging for these premises should be the open market rental value, for D1 use, subject to any recognition of community benefit;
3. To note that a proposed methodology for assessing and quantifying said community benefit will be presented to the Mayor in Cabinet, in a further report, to be considered no later than May 2016; and
4. To note that a property-by-property review of council-owned community buildings, as described in section 12.1, is taking place and the outcome of the review will also be presented to the Mayor in Cabinet.

Action by:

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

Reasons for the decision

The third sector is an important part of the fabric of life in Tower Hamlets and plays a unique and crucial role in the delivery of services to residents of the borough. The broad range of third sector organisations in the borough also contribute towards building social capital and fostering community cohesion.

The financial crisis of 2008 resulted in an economic downturn that has had disastrous consequences for the third sector. This has resulted in both an increased demand in services as well as a reduction in funding, both on a national and local level. While the council is also facing similar challenges, the importance of helping mitigate the impact of these funding challenges on the third sector is recognised across board, and particularly by the Executive Mayor.

This policy sets out the principles in relation to how the council will allocate and charge for the portfolio of council-owned community buildings. The adoption of this policy will help the council satisfy its legal requirements in relation to securing best consideration when disposing of property, as well as demonstrating continued compliance with the best value duty.

It will ensure community groups are treated fairly and consistently, in a transparent and accountable manner when bidding for or occupying community buildings.

The recommendations in this report will also ensure the portfolio of community buildings is fit for purpose and in a tenable state while recovering some of the expenditure the council incurs in owning, managing and maintaining this portfolio of buildings.

It will also ensure there are formal agreements in place in order to ensure there is clarity in the different roles and responsibilities of the landlord and tenant.

The adoption of this policy also features in the Best Value Improvement Plan, which was produced by the council following the issuing of directions by the Secretary of State for Communities & Local Government.

Alternative options

The Mayor in Cabinet could choose not to adopt the principles set out in this report. This is not recommended as the adoption of the policy is part of the council's Best Value Improvement Plan. In addition, having a policy will give certainty to the third sector, which will enable them to better plan for the future in relation to their property and general resourcing needs.

The Mayor in Cabinet could choose a different set of principles. Any changes would have to undergo assessment and a further report will be brought back to Cabinet for the Mayor's consideration.

5.3 Neighbourhood Planning - Approving Area and Forum Applications

The recommendations were amended and then agreed.

DECISION

1. To approve the application for the designation of the Limehouse Neighbourhood Planning Forum and Neighbourhood Planning Area (as amended and as set out in Appendix 2).
2. To approve in principle the designation of Neighbourhood Planning Forum and Area for the Isle of Dogs application subject to clarification of the boundaries of the Neighbourhood Planning Area. Decisions will be taken at the earliest opportunity.
3. To defer the designation of the Spitalfields Neighbourhood Planning Forum and Area subject to further consideration of the consultation submissions received and clarification on the need for further consultation. Decisions will be taken at the earliest opportunity.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Strategic Planning Manager (A. Maher))

Reasons for the decision

The Council has received applications to establish three Neighbourhood Planning Areas and three Neighbourhood Planning Forums from prospective Neighbourhood Planning Forums in Spitalfields; Limehouse and the Isle of Dogs.

The Council is required to determine applications for Forum and Area designations in accordance with the regulations in The Localism Act (2011) and amended Town and County Planning Act (TCPA) 1990.

Officers are satisfied all three Forum applications meet with the requirements of the relevant regulations and as such should be determined in accordance with our statutory duties.

Officers consider that all three Area applications with officer amendments, meet with the requirements of the relevant regulations and as such should be determined in accordance with our statutory duties.

Sections 4 and 5 of this report outline the legislative requirements of the Localism Act and the statutory duties of Local Authorities as they relate to Neighbourhood Planning. These sections then consider the Forum and Area applications in light of the legislative requirements. Section 4 deals with

Neighbourhood Planning Forums and Section 5 deals with Neighbourhood Planning Areas.

Alternative options

A Local Planning Authority (LPA) may designate or refuse a Forum application. Where the LPA are satisfied that a prospective Forum meets the relevant legislation (TCPA (1990) section 61F), the Forum may be approved. Where the LPA are not satisfied that a prospective Forum meets with the relevant legislation (TCPA (1990) section 61F), the LPA may refuse the application and give reasons for the refusal to the prospective Forum.

Officers consider that all three Forum applications meet with the relevant regulations and are therefore recommending them for approval.

A LPA must exercise their power of designation so as to secure some of all of the proposed area forms part of one or more designated areas in accordance with the TCPA (1990) section 61G Furthermore section 61H states that an authority must consider whether they should designate the area as a business area.

Officers consider that all three Area applications should be amended in accordance with the relevant regulations and to form a coherent spatial area in character and function. Where Area applications were not amended, the degree to which the Areas were said to be coherent was questioned.

Alternative options have been considered where options accord with the Neighbourhood Planning Regulations and the provisions within the TCPA (1990).

5.4 Award of contracts for the delivery of (i) the Health Visiting Service and (ii) the Family Nurse Partnership to commence on 1st April 2016

DECISION

1. To agree the award of Public Health Services (0-5 years) contracts as follows:-
 - Lot 1 Health Visiting to be awarded to Tower Hamlets GP Care Group CIC as the prime contractor, with Compass Wellbeing CIC as a subcontractor.
 - Lot 2 Family Nurse Partnership to be awarded to Compass Wellbeing CIC as the prime contract, with Tower Hamlets GP Care Group CIC as the subcontractor.
2. To agree that the Director of Public Health be delegated to make the contract awards as at recommendation 1 above.
3. To authorise the Service Head, Legal Services, following consultation with the Director of Public Health to execute all necessary contract documents

in respect of the awards of contracts referred to at recommendation 1 above.

Action by:

DIRECTOR, ADULT SERVICES (L. ADDAMS)

(Associate Director of Public Health (E Trenchard-Mabere)

(Senior Speciality Registrar in Public Health (K Cole)

Reasons for the decision

From 1st October 2015 Local Authorities became responsible for commissioning and delivering public health services for children aged 0-5 years. The current NHS contract was novated to the Council and runs up to 31st March 2016 therefore a new Council contract is required from 1st April 2016. Due to the size of the contract, a full three month mobilisation period is required to ensure service stability.

In recognition of their potential impact on long term health and wellbeing and inequalities, the Health Visiting service and Family Nurse Partnership have been prioritised nationally for additional investment and expansion of the workforce. In addition, the universal elements of the Health Visiting service are nationally mandated.

Alternative options

Extend the existing contract with Barts Health from 1st April 2016. However, legal advice is that, given the size of the contract and the long notice periods required, it would be strongly advisable not to extend the current NHS contract beyond the 31st March 2016.

5.5 Future commissioning arrangements for domiciliary care services previously commissioned from Majlish Homecare Services

The recommendations were amended and then agreed.

DECISION

1. Following review of the options presented to confirm the rejection of options C to F as set out in Paragraph 4, Appendix 1 to the report.
2. To defer a decision on whether to agree either Option A or Option B (as set out in Paragraph 4, Appendix 1 to the report) subject to further discussion with the intention of co-ordinating a final decision with the proposal to retender all commissioned domiciliary care activity to be presented at the next Cabinet meeting.
3. To note the Exempt/Confidential Appendix to the report.

Action by:

DIRECTOR, ADULT SERVICES (L. ADDAMS)

(Interim Service Head, Commissioning and Health (K. Sugars)

Reasons for the decision

To ensure that the domiciliary care services previously provided by Majlish Homecare Services continue to be commissioned in a way that provides Best Value to the council and to provide immediate certainty for service users and employees following an extended period of uncertainty.

Alternative options

The options appraisal undertaken to support identification of the Best Value option is attached to this report as Appendix 1. The six options considered are listed along with the relative strengths and weaknesses of each option. The analysis of strengths and weaknesses was based on a range of factors including impact on service users and staff, impact on the council and deliverability.

Based on these criteria only, the recommended option has been identified. However consideration should also be given to the legal advice attached at Appendix 2. The Mayor in Cabinet could, however, instruct officers to provide a more detailed analysis of one or more of the alternative options, or to pursue an alternative option altogether.

5.6 Scrutiny review report: effect of literacy and numeracy levels on outcomes for children and their families**DECISION**

1. To agree the action plan in response to the review recommendations.

Action by:

CORPORATE DIRECTOR, CHILDREN'S SERVICES (D. JONES)

Reasons for the decision

In 2008, the National Literacy Trust published a report entitled 'Literacy Changes Lives' concluding that poor literacy was prominent in the profile of a disadvantaged adult.

A report published by the KPMG Foundation in 2006 entitled 'The long term costs of literacy difficulties' highlighted that the cost to the taxpayer of addressing poor literacy up to the age of 37 was between £44,797 and £53,098 per person, or £1.73bn to £2.05bn per annum.

In light of the financial pressures faced by the council the economic evidence suggesting the significant role of literacy in improving economic, social and health outcomes for individuals, the review sought to understand the current approach and levels of support on offer to all age groups in the borough to support the development of adequate and functional levels of literacy.

The review was underpinned by three core questions:

- a) What are the key causes of underachievement and how can attainment be sustained?

- b) What are the interventions available to all teachers to identify and tackle poor literacy in children?
- c) How effective are the adult learning provisions in identifying and reaching out to learners with poor literacy?

Alternative options

To take no action. This is not recommended. The proposed response includes activities which would support the local authority in meeting a range of statutory duties which include general duties to ensure the wellbeing of young people and reduce inequalities and encouraging the use of early years provisions. The responses also support the objective of improving academic attainment at Key Stages 1-5 and develop a greater understanding on the impact of functional illiteracy in the borough. A timetable for delivering the recommendations has also been agreed by officers. The action plan is outlined in Appendix Two.

To agree some, but not all, recommendations. All of the recommendations are achievable at little additional cost to the organisation.

5.7 Scrutiny Review: Town Centres Policy

DECISION

1. To agree the action plan in response to the review recommendations.

Action by:

DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)

Reasons for the decision

The challenge session held on 8 April 2015 ("Challenge Session"), arose because there was a concern amongst some Members that there had been no strategic review of the Council's interventions so far to assess their effectiveness in their aim of supporting the regeneration of the Borough's town centres. Members felt that interventions so far were focussed too much on physical regeneration, cleaning and security, and cultural activities, and less on active interventions to address the market failures of local retail economies. There was a strong belief amongst Members that supporting a thriving local retail economy was essential to improving economic prosperity in the Borough.

In addition, some Members were concerned that town centres were not responding to the retail needs of the Borough's changing population demographic (a shift towards more young, professional, affluent residents). Members felt that the spending power of this potentially under-served market could help stimulate economic regeneration around the Borough rather than being concentrated in small pockets.

The aim of the Challenge Session was therefore to identify what interventions the Council could make that would be transformative in supporting the economic regeneration of the Borough's town centres. At the session, issues

relating to leadership, support and engagement were identified And resulted in a number of recommendations as set out at paragraph 3.6 below.

This paper submits the report and recommendations of the Overview & Scrutiny Committee's (OSC) Challenge Session into supporting the delivery of successful town centres (high streets and markets). It also provides the action plan drafted in response to these recommendations.

Alternative options

To take no action. This is not recommended as the proposed recommendations are strategic, measurable and attainable. A timetable for delivering the recommendations has also been agreed by Officers at the most senior levels of the organisation. The action plan is outlined in Appendix Two.

To agree some, but not all recommendations. As outlined above all of the recommendations are achievable at little additional cost to the organisation. Although the Scrutiny Review Group is confident all the recommendations will be addressed, there may be reasons for not accepting all of them.

5.8 Asset Strategy 2015-2020

DECISION

1. To approve the proposed Asset Strategy Scoping and Priorities Paper and agree the workstreams identified.

Action by:

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

Reasons for the decision

To set out how the Council will determine its ongoing and future property needs, and move to a more fit for purpose effective and efficient estate for the future where we will;

- own and occupy fewer buildings.
- reduce the running costs of our buildings.
- will maximise overall returns from income producing properties.
- increase the occupancy levels of our buildings and maximise opportunities for co-location of services (including partners).
- challenge the business case for retaining properties and sell surplus properties in a timely and efficient manner.

Alternative options

Do nothing and miss the opportunity to make significant efficiencies and savings through a more tailored and proactive management of the Council's significant and valuable asset base. This would mean that the Council continues to rely on previous asset management plans and strategies which are now historic and outdated. The previous plans and strategies responded

to central government best practice guidance, and the need for the Council to have adequate information on its portfolio and appropriate systems in place to address compliance with statutory and regulatory requirements in respect of repair, health and safety and compliance. These issues are now addressed and present the Council with the opportunity to seek savings, efficiencies and rationalisation of assets. Cabinet may choose a different strategy from that proposed, but the strategy at Appendix 1 is recommended for reasons set out in the report and a different approach may require further analysis.

5.9 Corporate Directors Discretions

DECISION

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

Action by:

CORPORATE DIRECTOR, RESOURCES (Z. COOKE)

Reasons for the decision

Financial Regulations require that regular reports be submitted to Cabinet setting out financial decisions taken under Financial Regulation B10.

The regular reporting of Corporate Directors' Decisions 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 Cabinet setting out financial decisions taken under Financial Regulation B10.

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.

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 7.00 p.m.

Mayor John Biggs