

**LONDON BOROUGH OF TOWER HAMLETS**

**RECORD OF THE DECISIONS OF THE CABINET**

**HELD AT 5.03 P.M. ON TUESDAY, 19 SEPTEMBER 2017**

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

**Members Present:**

Mayor John Biggs	
Councillor Denise Jones	(Cabinet Member for Health & Adult Services)
Councillor Sirajul Islam	(Statutory Deputy Mayor and Cabinet Member for Housing)
Councillor Rachel Blake	(Cabinet Member for Strategic Development & Waste)
Councillor Asma Begum	(Cabinet Member for Community Safety)
Councillor David Edgar	(Cabinet Member for Resources)
Councillor Abdul Mukit MBE	(Cabinet Member for Culture and Youth)
Councillor Joshua Peck	(Cabinet Member for Work & Economic Growth)

**Other Councillors Present:**

Councillor Peter Golds	(Leader of the Conservative Group)
Councillor Andrew Wood	

**Officers Present:**

Zena Cooke	(Corporate Director, Resources)
Margaret Cooper	(Section Head Transport & Highways, Public Realm, Communities Localities & Culture)
David Courcoux	(Head of the Mayor's Office)
Sharon Godman	(Divisional Director, Strategy, Policy and Partnerships)
Asmat Hussain	(Corporate Director, Governance and Monitoring Officer)
Tom McCourt	(Strategic Director)
Christine McInnes	(Divisional Director, Education and Partnership, Children's)
Matthew Pullen	(Infrastructure Planning Manager)
Denise Radley	(Corporate Director, Health, Adults & Community)
Ann Sutcliffe	(Acting Corporate Director, Place)
Will Tuckley	(Chief Executive)
Matthew Vaughan	(Political Advisor to the Conservative Group, Democratic Services, LPG)
Barbara Disney	(Service Manager, Strategic Commissioning, Adults Health & Wellbeing)
Thorsten Dreyer	(Strategy & Business Development Manager – Culture Environmental Control & Spatial Planning)

Martin Ling	(Housing Strategy Manager, Place)
Nancy Meehan	(Interim Divisional Director, Children's Social Care)
Neville Murton	(Divisional Director, Finance, Procurement & Audit)
Brian Snary	Financial Accountant - Resources
Judith St John	(Acting Divisional Director, Sports, Leisure and Culture)
Karen Sugars	(Acting Divisional Director, Integrated Commissioning)
Joseph Ward	Development Viability Team Leader
Matthew Mannion	(Committee Services Manager, Democratic Services, Governance)

## **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of:

- Councillor Amina Ali (Cabinet Member for Environment)
- Councillor Amy Whitelock Gibbs (Cabinet Member for Education and Children's Services)
- Debbie Jones (Corporate Director, Children's Services) who was being deputised by Christine McInnes, Divisional Director, Education and Partnership)

## **2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

Councillor Denise Jones declared a Pecuniary Interest in Agenda Item 5.6 (2017 Revaluation – Proposed Local Discretionary Business Rates Relief) as she owned a business in the area. She would leave the room for the duration of that item.

## **3. UNRESTRICTED MINUTES**

### **DECISION**

1. That the unrestricted minutes of the Cabinet meeting held on Tuesday 25 July 2017 be approved 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**

Pre-Decision Scrutiny Questions were received on a number of agenda items:

- 5.2 (Additional Police Officers for Neighbourhoods)

- 5.3 (Electric Vehicle Charging Points)
- 5.7 (Planning for School Places – 2017/18 Review)
- 5.19 (Medium Term Financial Strategy 2018-21)
- 5.20 (Individual Mayoral Decisions – Additional Police Resources)

The questions and responses were considered during the discussion of each item.

#### **Reasons for the decision**

#### **Alternative options**

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

Nil items.

#### **Reasons for the decision**

#### **Alternative options**

### **5. UNRESTRICTED REPORTS FOR CONSIDERATION**

#### **5.1 Living Well in Tower Hamlets: the adult learning disability Strategy 2017 - 2020**

#### **DECISION**

1. To approve "Living Well in Tower Hamlets: the adult learning disability Strategy 2017 to 2020".

#### **Action by:**

**CORPORATE DIRECTOR, HEALTH, ADULTS AND COMMUNITY (D. RADLEY)**

(Deputy Director Mental Health and Joint Commissioning (C. Kilpatrick))

#### **Reasons for the decision**

Tower Hamlets has an estimated 4,848 people aged 18 and over who have learning disability. They experience poorer life outcomes than the general population, including for physical health, mental health, employment and life expectancy. Learning disability is a protected characteristic. Following

Winterbourne, there is a significant drive in national health and social care policy to improve outcomes for this group of people.

People have differing levels of disability and need. Many people are supported to live an ordinary life in the community by family and friends. Others require care and support from Council and NHS services to meet their needs. In March 2017, 961 people were registered with a GP in Tower Hamlets and identified as having learning disability; 882 people were known to the Community Learning Disability Service (CLDS).

There has not been a Tower Hamlets adult learning Strategy previously. There are a range of services, plans and initiatives underway in the borough and a commitment was made to develop an overarching Strategy, drawing these together within a coordinated framework that sets out ambitions and priorities for the next three years to 2020.

The Strategy sets out how the Health and Wellbeing Strategy priorities are to be implemented and achieved for adults with learning disability. It was developed through co-production with adults with learning disability, carers, professionals and local organisations. It sets out key actions and service priorities to improve outcomes adults with learning disability in the borough said were most important to them.

### **Alternative options**

There are no alternative options, given that there has not been a Strategy previously. It is essential for the Council, the CCG and the Health and Wellbeing Board to have an adult learning disability Strategy in place. It has been discussed and requested by partners for some time.

## **5.2 Proposal for Mayoral Growth Funding - Additional Police Officers for Neighbourhoods**

The Pre-Decision Scrutiny Questions and Responses were noted.

### **DECISION**

1. To agree and approve the recommended option of the £1 million p.a. for three years funding (as set out in 3.10 of this report) in additional police officers in the borough under Section 92 of the Police Act 1996 (Grant from a Local Authority) with the Mayor's Office for Policing and Crime (MOPAC) using the Met Patrol Plus Scheme. This option proposes additional officers to support neighbourhood policing and aligns with the Council's commitment to neighbourhood management.
2. To agree to fund the additional costs of this measure from its General Fund reserves in 2017/18 and identify this as a funding pressure within the refresh of its MTFs for 2018-2021.

3. To authorise the corporate Director Health, Adults and Community to execute the necessary agreement with the MOPAC and Tower Hamlets Police.
4. To authorise the corporate Director Health , Adults and Community any named officer nominated by her to develop a robust performance management framework for evaluating impact through Key Performance Indicators, to ensure value for money in line with the Council's approach to outcome-based budgeting.

**Action by:****CORPORATE DIRECTOR HEALTH, ADULTS AND COMMUNITY (D. RADLEY)**

(Divisional Director, Community Safety (A. Corbett))

**Reasons for the decision**

The decision is required in order to enable invest £1 million p.a. for three years from 2017-18 in additional police officers in the Borough using the Met Patrol Plus Scheme. £1 million p.a. includes the costs of the existing 6 police officers that have been in place under the ongoing three year agreement between the Council and the Police (until December 2018). The additional police officers will help deliver on local priorities, protect real neighbourhood policing, address community concerns relating to acid attacks and other crime and anti-social behaviour (e.g. gangs, drugs, knife crime and prostitution), improve Tower Hamlets performance and "future proof" the Borough against the cumulative impacts of further savings. This will be achieved through use of the Council's reserves.

**Alternative options**

The Mayor in Cabinet may decide not to fund additional police officers as recommended in this report. This may result in priorities of the Council's Strategic Plan not being achieved. Alternatively, the Mayor in Cabinet could choose another option from the list of considered options (Appendix A to the report).

**5.3 Electric Vehicle Charging Points**

The Pre-Decision Scrutiny Questions and Responses were noted.

**DECISION**

5. To approve the Electric Vehicle Charging Point Delivery Plan and targets for delivery by 2025.

6. To authorise the Corporate Director Place to enter into service level agreements and utilise the GULCS framework contract for the delivery of on-street charging points throughout the borough;
7. To approve the adoption of an additional capital estimate of £36,000 for the delivery of charging points in the current financial year;
8. To instruct the Corporate Director Place, with the Head of Communications, to publicise this strategy and invite residents to express an interest in utilising these charging points in the future.

**Action by:****ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

(Head of Engineering (M. Cooper))

**Reasons for the decision**

This decision is required in order that work can proceed to deliver on policies set out in the Mayor for London's Transport Strategy and the final Air Quality Management Action Plan.

**Alternative options**

Refusal to install electric vehicle charging points on street: this would fail to comply with London-wide Air Quality and Transport Policy and result in difficulties for the growing number of electric vehicle drivers being able to charge their vehicles locally. This could have particularly severe impacts on local taxi drivers and the taxi service and would not help to improve air quality.

Reduce the speed of delivery: current changes in the market and emissions legislation suggests that demand is likely to grow more quickly than predicted and slowing delivery would have similar impacts to refusing to deliver any points.

Limit supply to free-standing units with no streetlighting column adaptations: Free-standing units all require designated bays which would have a significant impact on parking supply in areas of critical parking stress.

Limit supply to slow-charge units in residential streets with no prioritisation of space for electric vehicles: this would not have an impact on general parking availability but would not assist those vehicles needing to charge quickly for business or as passing traffic.

The recommended option is to provide a mix of types of supply to work towards meeting a variety of market demands.

**5.4 Autism Strategy for Adults 2017-22**

**DECISION**

1. To agree to the Adults Autism Spectrum Disorder Strategy at Appendix 1 to the report.

**Action by:****CORPORATE DIRECTOR, HEALTH, ADULTS AND COMMUNITY**

(Divisional Director, Integrated Commissioning (K. Sugars)

(Service Manager, Strategic Commissioning (B. Disney)

(Strategy, Policy and Performance Officer (J. Kerr)

**Reasons for the decision**Rationale for developing an Autism Strategy:

National Autism Strategy: A local Autism Strategy will ensure we are meeting the requirements of the national Autism Strategy and accompanying statutory guidance. This strategy was first published in March 2010 following the Autism Act in 2009, and was most recently updated in January 2016. Statutory guidance was produced in March 2015.

Self-assessment: A local Autism Strategy will enable issues identified in our local self-assessment to be addressed. Tower Hamlets has taken part in a number of self-assessments to evaluate our progress on implementing the national autism strategy for adults. The last self-assessment that was completed in October 2016 highlighted a number of areas for improvement.

Legislation: A local Autism Strategy will help ensure we are meeting the requirements of the 2014 Care Act in relation to adults with autism. For example, duties around the provision of universal information and support to residents and the need for services to work cooperatively with one another are all applicable to people with autism.

Transforming Care Programme: A local Autism Strategy will ensure we are working in accordance with the Transforming Care Programme. This programme arose from the 2011 Winterbourne View case, and is focused on developing services and support for people with a learning disability and/or autism who display behaviour that challenges. It sets out an expectation that more community services be developed and with a view to reducing the number of adults with challenging behaviour in in-patient facilities.

Demand: A local Autism Strategy will help address the issue of an anticipated increase in demand for autism-related support. Staff feedback is that the number of children and young people with a diagnosis of autism has seen a 150% rise in recent years. The local authority and partner organisations need to anticipate and address a potential increase in demand for support as this cohort reaches adulthood.

Joint Strategic Needs Assessment: A local Autism Strategy will enable the needs of adults with autism as identified in the Joint Strategic Needs Assessment to be addressed. A JSNA Factsheet on "Autism Spectrum

Disorder” is currently being finalised. Findings highlight a number of areas for improvement, which can be addressed through the strategy.

People with a learning disability: Having a separate Autism Strategy will ensure that the needs of autistic adults are not “lost” within learning disability support provision. People with autism can sometimes be categorised as having a “learning disability”, particular in terms of the services they come into contact with. A significant proportion of autistic adults will also have a learning disability, but this will not be true in all cases.

### **Alternative options**

No other options have been considered as the Autism Act (2009) places a statutory requirement for Local Authorities and Health to put in place a local plan for Adults with Autism Spectrum Disorder.

## **5.5 Open Space Strategy 2017 - 2027**

### **DECISION**

1. To adopt the Open Space Strategy in Appendix 1 to the report.

### **Action by:**

#### **CORPORATE DIRECTOR, CHILDREN’S SERVICES**

(Divisional Director, Sport Culture and Leisure (J. St John)

(Service Manager, Strategy, Performance and Resources (T. Dreyer)

### **Reasons for the decision**

The National Policy Planning Framework (NPPF) requires Local Plan policies to be based on up to date assessment of open space and playing pitch needs. The Open Space Strategy meets this requirement by bringing together considerations for open space more generally and playing pitches specifically in one strategic document. Bringing these aspects together allows different demands on limited open space to be balanced more effectively.

The Open Space Strategy is a reference document guiding investment of available resources in the borough’s green spaces and development negotiations for new or enhanced open spaces. This is an essential role, because as the assessment identifies, the borough continues to have an open space deficiency and the substantial increase in population density projected for the next 10-15 years is likely to place even more pressure on land. It will be increasingly important for the council to persist in trying to secure new open space, and to ensure that existing parks and open space can cater to the competing demands placed upon them. The prioritisation framework set out in the Strategy enables the council to ensure that limited available resource at a time of financial constraints is invested to achieve the greatest level of impact.



**Alternative options**

If the Open Space Strategy is not refreshed, the council will limit its ability to plan effectively for open space provision in an area which is expected to see significant housing, employment and population growth. The council will also risk not adhering to the National Planning Policy Framework and the Mayor of London's London Plan around the responsibilities of planning authorities. Taking no action will also mean that the new Local Plan, currently under development, will not have an up to date evidence about current and future supply and demand of open spaces and playing pitches.

The Open Space Strategy could be revised differently, but the approach followed is judged to be the best way to meet national requirements, whilst focusing on what matters locally.

**5.6 2017 Revaluation - Proposed Local Discretionary Business Rates Relief****DECISION**

1. Agree the 2 options proposed for awarding the relief on either a fixed amount or based on a percentage increase.
2. Commence a consultation process with local businesses and business organisation.
3. Note that a further report will be presented giving details of the outcome of the consultation and recommendations for the final qualifying criteria to be included in the local relief scheme.

**Action by:****CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Head of Revenue Services (R. Jones))

**Reasons for the decision**

The Government has made it clear that the design of the scheme will be left to individual Councils but that funding will only be provided up to the maximum levels awarded each year. It is also assumed that the relief will be provided to the ratepayers or localities that face the most significant increases in bills for those ratepayers occupying lower value properties.

The funding for the scheme was determined by Government based on the national increases for properties with a rateable value of less than £200,000 where the value of the increase exceeds 12.5%. Since the upper rateable value of £200,000 was used by the Government for funding purposes we have adopted this to use as part of the general criteria for the relief, so that only small and medium businesses benefit from the relief.

The Government also made it clear that the relief should be aimed at supporting local economies and that state aid rules would apply when making any award of the relief. We have therefore excluded any company or other organisation with multiple rate accounts (three or more) that operates within or outside of the borough and also any public body that is listed as the ratepayer.

Awarding a percentage of any increase for businesses with a rateable value of below £200,000 means that all ratepayers are treated equally and compensated consistently depending on the amount of increase that they have experienced. This means that all eligible ratepayers proportionally receive the same amount of relief and it will target only small and medium sized businesses.

Eligibility for the relief is determined based on a fixed list which has been extracted from the Council's Revenues system as at the 1<sup>st</sup> April 2017. This ensures that the amount of relief provided to ratepayers is maximised and kept within the allocation of resources provided by the Government.

### **Alternative options**

The simplest option would to allocate a flat rate percentage to all ratepayers but this would not target small to medium sized businesses and would not reflect the size of the increase in rates payable as a result of the revaluation.

The Council could make a decision on the scheme criteria without consultation with local ratepayers but this would not be in line with the commitment to engage with and support local businesses and economic growth.

## **5.7 Planning for School Places - 2017/18 Review**

The Pre-Decision Scrutiny Questions and Responses were noted.

### **DECISION**

1. To note the contents of this report and the progress made in meeting the need for additional places;
2. To note that proposals for specific schemes will be subject to separate consultation and procedures and Cabinet decisions;
3. To note the proposed review of the pattern of primary school provision and the proposed consultation on issues relating to the distribution of places across the borough;
4. To confirm to the LLDC that the Council does not intend to proceed with the development of a new primary school at Neptune Wharf but wishes to work jointly to review the future need for primary places in the area (paragraph 3.11 of the report).

5. To agree to defer development work on the scheme at London Dock until a further review of projected demand for secondary places has been conducted and to progress the design development of the scheme at the Westferry Print works site with a view to opening a 6FE secondary school in September 2021.

**Action by:****CORPORATE DIRECTOR, CHILDREN'S SERVICES (D. JONES)****Reasons for the decision**

The Council has a statutory duty to provide and plan for school places. The report sets out the 2017 projections of need and proposals to meet the need.

Planning for school places has to be kept under review to ensure there are proposals to meet the projected need which can be implemented in time to meet the need. The rising trend of need continues although with variations from year to year.

The Council (also referred to in the report as the local authority or "LA") has proposals in place to meet the need and these can require long term planning to implement. Decisions are required in time so that the programme of providing places can continue and have certainty to meet the need. Where decisions are not made in time, there may be a need for additional short term measures to ensure children can be offered a school place. These measures, such as bulge classes, can be difficult to implement and are not a sustainable approach to providing places. Such measures can be used for primary places but will not be suitable for secondary schools

**Alternative options**

The Council has to comply with its duty to provide school places. Some of the need for places is being met by the establishment of free schools which are decided by the Secretary of State. However, the majority of proposals for new places will be initiated by the Council. This report includes options for the programme of meeting need for places.

Where the Council has not made sufficient plans to ensure permanent places are available when needed, short term proposals may be needed which may be less cost-effective by reliance on temporary buildings.

**5.8 Children's Services Improvement- progress report****DECISION**

9. To endorse the progress made in delivering the children's services improvement programme.

10. To agree the next steps in the improvement journey which will be updated on in the next report.

**Action by:****CORPORATE DIRECTOR, CHILDREN'S SERVICES (D. JONES)**

(Programme Manager, Children's Services Improvement (A. Walters))

**Reasons for the decision**

Corporate and political leadership of the children's services improvement agenda is a critical part of ensuring its success. Consideration of this report in Cabinet will support this leadership and help to facilitate public scrutiny of progress.

**Alternative options**

There are no alternative options to consider.

**5.9 The Adoption of a Development Viability Supplementary Planning Document****DECISION**

1. To approve the adoption of the Development Viability Supplementary Planning Document attached at Appendix A to the report;
2. To note the Report on the Second Consultation attached at Appendix B to the report, and approve the publication of this document on the Council's website;
3. To note the Adoption Statement (Appendix C to the report) and Strategic Environmental Assessment Screening Determination and Sustainability Appraisal Review (Appendix D to the report) and approve the publication of these documents on the Council's website;
4. To note the Equality Analysis Quality Assurance Checklist (Appendix E to the report) completed in respect of the Development Viability Supplementary Planning Document.
5. To note the Report on the First Consultation attached at Appendix F to the report;
6. To note that the Supplementary Planning Document states that the Council "will have regard" to the "Threshold Approach to Viability" as described in the Mayor of London's Affordable Housing and Viability Supplementary Planning Guidance document. See paragraphs 5.18 to 5.21 in the report for more information on this matter.

**Action by:**

**ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**  
(Divisional Director, Planning and Building Control (O. Whalley))

**Reasons for the decision**

The SPD enables the Council to declare that it will generally only accept Financial Viability Assessments, submitted alongside relevant planning applications, on the basis that they can be made publicly available. This will ensure the Council can make Financial Viability Assessments and reviews undertaken by the Council are generally made available to the public. This is important to achieving the general objectives of the Mayor's Transparency Protocol.

The adoption of a Development Viability SPD will ensure the Council's approach to viability is clearer for applicants and the public, helping to improve understanding of viability matters and helping to avoid delays in the decision making process for planning applications.

Adopting the SPD will help the Council be compliant with with the Mayor of London's Affordable Housing and Viability Supplementary Planning Guidance which forms part of the Development Plan hierarchy.

**Alternative options**

To not adopt a Development Viability SPD: This is not considered an appropriate option because this would mean the Council would have a less transparent and standardised approach to dealing with development viability in the context of planning applications.

Adopt a different Development Viability SPD containing alternative measures: This is not considered to be a suitable option as Planning and Building Control consider the measures described in the proposed SPD are appropriate. In addition, the proposed SPD has been the subject of two public consultations.

**5.10 IDF: Approval of S106 Funding to Design and Fit out of Training Centre - at the former London Fruit and Wool Exchange (LFWE)**

**DECISION**

1. To approve the allocation of £500,000 of S106 funding for the design and fit-Out of a training centre at the former LFWE as profiled in the PID attached at Appendix A to the report, and in Table 1 of the report.
2. To approve the adoption of a capital estimate of £500,000 as profiled in the PID attached at Appendix A to the report, and in Table 2 of the report.

**Action by:**

**ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

(Divisional Director, Planning and Building Control (O. Whalley)

(Economic Benefits Manager, Growth and Economic Development (J. Ogunade)

**Reasons for the decision**

The Council requested and secured a 500 sqm commercial space as part of the redevelopment of the former LFWE through a S106 agreement. Securing such a facility was identified by the Growth and Economic Development Service as an opportunity to develop and expand training and employment provision in central, key areas of Tower Hamlets. This would support residents into employment and training, which is in line with the Council's Employment Strategy, One Tower Hamlets, and the Mayoral pledge to reduce unemployment in the borough, as well as assist with the local economy.

The S106 contribution of £500,000 is to be used by the Council specifically for the cost of fitting-out the new training facility, which will help to connect businesses with their community; increase employment; and contribute to the delivery of positive improvements to people's lives and the local economy. This would underpin the Community Plan theme of:

- A Fair and Prosperous Community.

Please refer to the following associated appendices to the report for more information about the project:

- Appendix A: Design and Fit out of Training Centre - at the former London Fruit and Wool Exchange development (LFWE) PID
- Appendix B: -LFWE Site Plan

**Alternative options**

The alternative option is to not allocate the funding to this project. However the developer is still obligated to provide the premises to shell-and-core finish for use by the Council. The use of the S106 funding specified in this report is restricted to the fit out of the specific premises as outlined in the PID (attached as Appendix A), and must be spent in accordance with the legal agreement related to the development from which it originates.

**5.11 Updated Conservation Strategy and Local List Nomination and Selection Process****DECISION**

- 11.To adopt the updated Conservation Strategy (Appendix 1 to the report)

12. To adopt the Local List Nomination and Selection Process (Appendix 2 to the report).

13. To note the next steps for updating the Local List.

**Action by:**

**ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

(Place Shaping Team Leader (M. Ritchie))

**Reasons for the decision**

The National Planning Policy Framework (NPPF) requires local authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. It also sets out a number of criteria that should be taken into account when preparing a strategy. Whilst the current Conservation Strategy is considered to comply with the requirements of the NPPF, the new Local Plan should be informed by a strategy that is based on the most up-to-date information and that responds to any changes that have taken place in the Borough over the past six years.

The updated Conservation Strategy is based on the latest legislation and provides an up-to-date picture of the historic environment in Tower Hamlets. It has been prepared in consultation with key stakeholders, has been the subject of public consultation and is supported by Historic England. The adoption of the document will provide guidance for the management of heritage in the Borough and supports the emerging Local Plan.

The process of identifying buildings and structures as non-designated heritage assets by adding them to the Local List is recognised by National Planning Policy Guidance (NPPG). The Council does not currently have a process for adding to the Local List on an ad hoc basis. The adoption of a formal process is supported by a resolution of Council and is an objective in the updated Conservation Strategy. The process for making additions to the list will enable the Council to respond to requests from residents and other stakeholders to recognise appropriate buildings and structures as non-designated heritage assets.

The Local List Nomination and Selection Process is based on Historic England guidance and received no adverse comments during public consultation.

**Alternative options**

**To not adopt the Conservation Strategy**

The Council may choose not to adopt the updated Conservation Strategy. This option is not recommended. Whilst the un-adopted strategy would remain part of the Local Plan evidence base, and would provide informal guidance on the management of the heritage in the borough its effectiveness would be limited.

**To not adopt the Local List Nomination and Selection Process**

The Council may choose not to adopt the Local List Nomination and Selection Process. This option is not recommended as the Council would a formal process for responding to requests from members of the public and other stakeholders to add buildings to the Local List.

#### **5.12 Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (Regulation 19 consultation) and Adoption of the Statement of Community Involvement (SCI) Refresh**

The recommendations were amended and then approved.

#### **DECISION**

1. To approve the publication of the *proposed submission version of the Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits* along with supporting information including an Integrated Impact Assessment (IIA), evidence base studies and other supplementary information for a six week statutory public consultation.
2. To agree that following consultation and a resolution being taken by Council, that the plan should be submitted to the Secretary of State for independent examination;
3. To authorise the Corporate Director of Place after consultation with the Mayor, to make any appropriate and necessary minor amendments to the proposed submission version of the Local Plan and supporting documents prior to the commencement of the consultation period (regulation 19 stage), with particular reference to data matching and area boundaries, for example on town centres;
4. To authorise the Corporate Director of Place after consultation with the Mayor to make any appropriate and necessary minor amendments to the proposed submission version of the Local Plan and supporting documents following consultation and prior to submission to the Secretary of State.
5. To adopt the *Statement of Community Involvement Refresh* as a revision of the Statement of Community Involvement (July 2012) in accordance with Section 26 of the Planning and Compulsory Purchase Act 2004. For the avoidance of doubt the adopted Statement of Community Involvement Refresh shall supercede the previous 2012 iteration.

#### **Action by:**

**ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

(Strategic Planning Manager (M. Ryan-Hernandez)

(Local Plan Team Leader (P. Wadsworth)



**Reasons for the decision**

Local Plans set a vision and framework for future development to meet local needs and opportunities and reflect national priorities, particularly in relation to housing, the economy, identification and delivery of infrastructure and protection of the environment. They are a critical tool to positively guide development decisions. The National Planning Policy Framework (NPPF) expects local planning authorities to keep plans up-to-date and also review them in whole or in part in response to changing circumstances.

The Council's current adopted Local Plan consists of two documents:

- Core Strategy - this sets out the overarching vision and strategic priorities for the future of the borough (adopted in 2010).
- Managing Development Document - this sets out more detailed policies to guide development and identifies sites to help deliver the homes and infrastructure we need (adopted in 2013).

Although quite recent documents, the substantial increase in the borough's annual housing target (from 2,885 to 3,931 homes) through the 2015 update to the London Plan along with recent changes to national policy and legislation mean it is appropriate for the council to bring forward a new Local Plan to manage increased growth and respond to emerging trends.

The preparation and adoption of new Local Plans must adhere with statutory regulations set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 19 requires the proposed submission Local Plan and supporting documents to be made available for consultation. Prior to adoption, the Local Plan along with supporting documents and representations received during the Regulation 19 consultation must be submitted to the Secretary of State to undergo an independent examination (Regulation 22).

The Statement of Community Involvement (SCI) (adopted in 2012) sets out how consultees can be involved in the preparation of planning documents and the determination of planning applications. Since its adoption, there have been some amendments to legislation and guidance and some terminology has become outdated. In advance of a complete review of the SCI a 'refresh' has been undertaken to ensure that the Council's obligations in progressing the new Local Plan have been met.

**Alternative options****Local Plan****OPTION A: ABANDON THE NEW LOCAL PLAN & RETAIN THE EXISTING LOCAL PLAN**

- The existing Local Plan has not planned for sufficient infrastructure such as schools, open space and transport to meet need arising from the borough's increased annual housing target and projected employment growth set out in the 2015 London Plan. By not allocating

sufficient sites, the borough could miss out on the benefits of growth to the detriment of local people.

- The evidence on which the current Local Plan is based is becoming increasingly out-of-date (for instance, it does not reflect the most up-to-date national and regional policies and legislation). The NPPF / London Plan would become default policies on matters not addressed within the existing Local Plan, meaning local circumstances would not necessarily be reflected to guide planning applications and decisions.
- It also means that in some cases the council's ability to successfully defend refusals at appeal would be compromised.

#### **OPTION B: PARTIAL REVIEW OF EXISTING LOCAL PLAN (WHILE RETAINING ELEMENTS OF THE NEW LOCAL PLAN)**

- The vision contained in the Core Strategy (2010) no longer accurately reflects the future challenges, opportunities and aspirations of the council and local community, as set out in the Tower Hamlets Partnership Community Plan 2015. As a result, it makes sense that a new vision for the Local Plan is prepared.
- The policies in the Local Plan should be read as a whole and should be considered together as part of any review.
- Changes to population and new government legislation / guidance have rendered much of the evidence out-of-date.
- With further amendments to planning legislation and another new London Plan forthcoming, it is highly likely that a further detailed review of the existing Local Plan would be required in the near future, whereas a whole new Local Plan would have greater longevity and be easier to update should a need arise.

### **Statement of Community Involvement Refresh**

#### **OPTION A: RETAIN THE EXISTING STATEMENT OF COMMUNITY INVOLVEMENT (SCI)**

- It is considered that the current SCI (2012) is considered to be out-of-date.
- Retaining the existing SCI would mean the Council would be at risk of not being able to demonstrate how the Local Plan consultation is fully compliant with new legislation.
- The SCI provides a benchmark against which the consultation on the Local Plan is assessed and approved by the Planning Inspectorate, and therefore should reflect current legislation and guidance in order to be effective.
- The SCI Refresh reflects changes to national and regional policy including neighbourhood planning, duty to cooperate, Community Infrastructure Levy (CIL) and updated out-dated terminology.
- Throughout the Local Plan preparation process, consultation has adhered to the most current legislation and guidance, which is not included in the current adopted SCI.

#### **OPTION B: UNDERTAKE A COMPLETE REVIEW OF THE STATEMENT OF COMMUNITY INVOLVEMENT**

- Stage 2 of the SCI review will reflect changes relating to all planning duties, including development management.
- A complete review of the Statement of Community Involvement would require substantial officer resource to produce. The priority at the current time is to ensure that immediate requirements relating to the new Local Plan and Neighbourhood Planning are addressed.
- A partial review to meet immediate needs will contribute towards a full review anticipated to be undertaken in 2018.

### **5.13 Article 4 Direction - Office (B1a) to Residential (C3)**

#### **DECISION**

1. To agree the making of an Article 4 direction removing permitted development rights from offices (B1(a)) to residential (C3) within the areas shown on the map attached as Appendix 1 to the report;
2. To note that following the making of an Article 4 Direction, statutory public consultation will be carried out on the Article 4 direction (Appendix 2 to the report); and

3. To agree that should re-consultation be required due to amendments from the Secretary of State, or following consideration of representations received during the period of statutory consultation, that such further consultation may be undertaken with the authority of the Corporate Director, Place due to the urgent need to have the Article 4 direction confirmed by 1<sup>st</sup> June 2018.

**Action by:****ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

(Strategic Planning Manager (M. Ryan-Hernandez)

(Planning Officer (T. Clarke)

**Reasons for the decision**

Permitted development between offices (use class B1(a) and residential (use class C3) was introduced in May 2013. The Council objected to this form of permitted development, but in common with other inner-London boroughs was successful in gaining an exemption which covered the west of the borough (City Fringe) and the north of the Isle of Dogs. The areas of exemption covered most of the borough's designated office/employment locations which include areas of global economic significance (Canary Wharf) and a significant quantum of office space (such as Aldgate). An unmanaged loss of office space in those locations could have a negative impact on the borough's supply of office floorspace, jobs and the ability to meet future office and employment growth projections as set by the London Plan.

The current exemption will cease on June 1<sup>st</sup> 2019. The Council is able to remove permitted development rights where there is local justification for doing so, and therefore maintain the areas of exemption, by implementing what is termed an Article 4 direction.

There are two types of Article 4 direction – 'immediate' and 'non-immediate'. An immediate Article 4 direction takes effect either immediately following its issue, or at a time within one year of being issued. A 'non-immediate' Article 4 direction takes effect at least one year after being issue, but no later than two years after issue. The main difference is that if the Article 4 takes effect less than one year from issue, compensation is payable to affected landowners. After one year, there is no compensation. In this case an immediate article 4 is not necessary because the exemption is in place until 1<sup>st</sup> June 2019 which in principle allows sufficient time to prepare an Article 4 by 1<sup>st</sup> June 2018.

This Article 4 direction is supported by a justification report, attached as Appendix 2 to the report. The attached report is itself underpinned by national and regional guidance and the Council's Local Plan evidence base on employment (Employment Land Review (2016) ("ELR") and forthcoming Preferred Office Location Study (2017)). The Mayor of London is supportive of London's existing areas of exemption being retained, articulated in particular through the Central Activities Zone Supplementary Planning Guidance (CAZ SPG) and City Fringe Opportunity Area Planning Framework

(OAPF). The importance of offices to the existing exemption areas is also demonstrated through the fact they were exempted in the first place.

The Council has used this opportunity to explore the potential to remove permitted development on offices to residential in other parts of the borough not covered by the existing exemption. This has resulted in the following areas being additionally included within the Article 4 direction, which are supported by recommendations within the ELR:

- The designated town centre (Neighbourhood Centre) at Mile End.
- The remaining areas of Cambridge Heath and Whitechapel that fall outside of the existing exemption zone but within existing or proposed Local Plan designations (employment and town centres).
- The designated Local Office Location (Local Employment Location within the emerging Local Plan) at Blackwall.

A borough-wide Article 4 direction is not considered as appropriate due to the Council not having evidence to justify one. The ELR advocates a “targeted” approach to focus on locations such as the Central Activities Zone/City Fringe, designated employment locations and town centres. A previous attempt in Islington to implement a borough-wide Article 4 was refused by the Secretary of State on the basis of it being applied “disproportionately” with insufficient evidence to justify the approach. A less comprehensive boundary was subsequently agreed. Officers therefore consider the proposed boundary of this Article 4 to be proportionate, protecting the borough’s existing supply of office floorspace where it is most important and viable while according with the spirit of the permitted development to help meet housing targets elsewhere.

There are statutory requirements that must be addressed to comply with legislation, in particular a period of formal public consultation before the Article 4 is confirmed (adopted) by Council. When introduced with sufficient notice (the Article 4 direction taking effect at least one year after confirmation) the Council would not need to pay compensation to any landowners disadvantaged by the Article 4 direction. Therefore it is essential that the proposed Article 4 is confirmed by 31<sup>st</sup> May 2018 at the latest which means according with the proposed timescales set out in paragraph 3.15 of the report.

If following public consultation there is a need to re-consult (in the experience of other authorities this is primarily as a result of direction by the Secretary of State), the 31<sup>st</sup> May 2018 deadline would most likely be missed if permission had to be sought from Cabinet. Therefore it is proposed that any modifications arising and permission to re-consult are agreed through the delegated authority of the Corporate Director for Place.

### **Alternative options**

#### **ALTERNATIVE OPTION A: NO ARTICLE 4 DIRECTION IS ISSUED**

The Council could decide not to introduce this Article 4 direction. This option is not recommended, as without the ability to effectively assess proposals for

change of use from offices through the planning system it is likely the borough's supply of office floorspace and the success and viability of key employment locations would be undermined. The importance of those areas has been established by their inclusion within the existing areas of exemption. The loss of offices would compromise the borough's ability to meet employment projections and maximise jobs for local people. It would also mean that the Council would not be able to manage the location, size, tenure mix or quality of new housing being produced through permitted development.

#### **ALTERNATIVE OPTION B: ARTICLE 4 DIRECTION IS ISSUED FOR THE WHOLE BOROUGH**

The Council could decide to introduce an Article 4 direction for the whole borough. This option is not recommended. The existing exemption area which this Article 4 direction would replicate contains the most viable and important areas of existing office floorspace which are generally located within the most accessible parts of the borough. This Article 4 already seeks to slightly extend the existing exemption by including parts of the Cambridge Heath and Whitechapel designated town centres/proposed Local Employment Locations (LELs) outside of the existing exemption zone, the designated Local Office Location (LOL) at Blackwall (proposed to be re-designated as a Local Employment Location (LEL) within the emerging Local Plan), and the Mile End designated neighbourhood town centre as recommended by the Council's evidence base (Employment Land Review 2016). Our evidence does not justify an Article 4 direction elsewhere but it does recommend the "targeted" approach being proposed. An recent attempt by London Borough of Islington to introduce a borough-wide Article 4 direction was refused by the Secretary of State. There is an urgent need to have the Article 4 direction in place by 1<sup>st</sup> June 2018. This key deadline could be compromised if the Council undertook the risky strategy of attempting a borough-wide Article 4, as this would require further and more extensive research which may not support the case, be more prone to challenge and could be more challenging to defend.

#### **5.14 Food Law Report 2017/18 and Review of 2016/17**

##### **DECISION**

1. To approve the Tower Hamlets Food Law Enforcement Service Plan 2017/2018 and Food Sampling Policy attached at Appendix One of the report.

##### **Action by:**

**ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

(Head of Environmental Health and Trading Standards (D. Tolley)

##### **Reasons for the decision**

Under the powers given to it by the Food Standards Act 1999 The Food Standards Agency (FSA) oversees and monitors how Local Authorities enforce food safety legislation. The FSA require all Local Authorities to produce and approve an annual plan that sets out how they are going to discharge their responsibilities. The annual plan is at Appendix One.

#### **Alternative options**

If the Council takes no action the FSA has the power to remove food safety responsibilities and engage another authority to deliver the service. The likely scenario would be for a neighbouring local authority to be seconded to provide this service. If this did happen the Council would still have to fund the service but would lose Member and management control of it.

### **5.15 Under Occupation Review - Action Plan**

#### **DECISION**

1. To note the report of the scrutiny working group and to agree the action plan in response.

#### **Action by:**

**DIVISIONAL DIRECTOR, STRATEGY, POLICY AND PARTNERSHIPS (S. GODMAN)**

**ACTING DIVISIONAL DIRECTOR, PLACE (A. SUTCLIFFE)**

#### **Reasons for the decision**

The Council's constitution requires the Executive to respond to recommendations from the Overview and Scrutiny Committee. The action plan within this report outlines the Executive response to the seven recommendations arising from the review.

#### **Alternative options**

To take no action. This is not recommended as the proposed recommendations are strategic, measurable and attainable. The action plan is outlined in Appendix B to the report.

### **5.16 Leisure Services Contract Fee Waiver Negotiations**

#### **DECISION**

1. To agree and approve the fee waiver arrangements and three year contract extension to the current contract due to expire on 30th April

2019. This will be on the existing terms for the current Leisure Services Contract for the period up to April 2022;

2. To authorise the appropriate officers to execute the necessary contract extension agreement and provide updates to the Mayor on the monitoring of the contract; and
3. To in principal approve the use of Section 106 funds for investment in the Leisure facilities.

**Action by:**

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

(Divisional Director, Finance, Procurement and Audit (N. Murton)

(Acting Divisional Director, Sports, Leisure and Culture (J St John)

**Reasons for the decision**

The decision is required in order to enable the Medium Term Financial Savings of £1.240m to be achieved. This will be achieved through a reduction in fees otherwise payable to GLL under the current leisure services management contract which, subject to Cabinet's agreement, it is proposed to extend for 3 years.

**Alternative options**

The Mayor in Cabinet could choose not to accept the officers' recommendations in this report. This would result in the Medium Term Financial savings proposal approved by Cabinet not being achieved. Alternative savings options would be required to be found elsewhere in the Council's budget to close the gap.

**5.17 Corporate Budget Monitoring 2017/18 (Month 3/Q1)**

**DECISION**

1. To note the Council's forecast outturn position against Revenue and HRA budgets agreed for 2017-18, based on information as at the end of June as detailed in Sections 3-10 of the report.
2. To note the summary savings position.
3. To endorse management action to achieve savings.
4. To note current position of balance sheet items.
5. To note Reserve Position.
6. To note the Capital forecast outturn position.



7. To agree to increase the capital estimate for the ICT Solution Handheld Devices by £0.45m to £1m in the capital programme.

**Action by:****CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Chief Accountant (K. Miles))

**Reasons for the decision**

The regular reporting of Revenue and Capital Budget Monitoring information provides detailed financial information to members, senior officers and other interested parties on the financial performance of the council. It sets out the key variances being reported by budget holders and the management action being implemented to address the identified issues.

Further information across the Council's key financial activities are also included to ensure that CLT and Members have a full picture to inform their consideration of any financial decisions set out in this report and also their broader understanding of the Council's financial context when considering reports at the various Council Committees.

Set alongside relevant performance information it also informs decision making to ensure that Members' priorities are delivered within the agreed budget provision.

It is important that issues are addressed to remain within the approved budget provision or where they cannot be contained by individual service management action, alternative proposals are developed and solutions proposed which address the financial impact; CLT and Members have a key role in approving such actions as they represent changes to the budget originally set and approved by them.

**Alternative options**

The Council could choose to monitor its budgetary performance against an alternative timeframe but it is considered that the reporting schedule provides the appropriate balance to allow strategic oversight of the budget by members and to manage the Council's exposure to financial risk. More frequent monitoring is undertaken by officers and considered by individual service Directors and the Council's Corporate Leadership Team (CLT) including approval of management action.

To the extent that there are options for managing the issues identified these are highlighted in the report in order to ensure that members have a full picture of the issues and proposed solutions as part of their decision making.

**5.18 Strategic Performance Monitoring 2017/18 Q1****DECISION**

4. To note the performance of the Strategic Measures at the quarter one stage, including those measures where the minimum expectation has been missed (appendix 1 to the report);
5. To review those measures that require improvement and identify any that should be referred to the Council's Performance Improvement Board (PIB) and the Overview and Scrutiny Committee where appropriate.

**Action by:****CHIEF EXECUTIVE (W. TUCKLEY)**

(Divisional Director, Strategy, Policy and Partnerships (S. Godman))

**Reasons for the decision**

The Council's Performance Management and Accountability Framework sets out the process for monitoring the Strategic Plan and performance measures which are reported regularly to the Corporate Leadership Team, Overview & Scrutiny Committee and Cabinet.

This report promotes openness, transparency and accountability by enabling Tower Hamlets' residents to track progress of activities that matter most to them and their communities.

**Alternative options**

Cabinet can decide not to review the performance information. This is not recommended as Members have a key role to review and challenge underperformance and also utilise performance information to inform resource allocation.

**5.19 Medium Term Financial Strategy 2018 - 2021**

The Pre-Decision Scrutiny Questions and Responses were noted.

**DECISION**

6. To note the Council's Outcomes Based Budgeting approach to prioritising resources over the Medium Term Financial Strategy from 2018-19 to 2020-21.
7. To note the issues and actions set out in this report which are informing the development of the Council's MTFs for 2018 – 2021;
8. To note the timescales and next steps for reviewing and consulting on budget proposals;

9. To authorise the Corporate Director Resources after consultation with the Mayor and Lead Member for Resources, to confirm to London Councils the in principle decision to proceed with participation in the London wide pilot for 100% business rates retention.

**Action by:****CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Divisional Director, Finance and Procurement (N. Murton))

**Reasons for the decision**

The Council is under a duty to set a balanced and sustainable budget and maintain adequate reserves such that it can deliver its statutory responsibilities and priorities.

A Medium Term Financial Strategy (MTFS) covering the entirety of the resources available to the Council is considered to be the best way that resource prioritisation and allocation decisions can be considered and agreed in a way that provides a stable and considered approach to service delivery and takes into account relevant risks and uncertainty.

**Alternative options**

Whilst the Council will adopt a number of approaches to the identification of measures aimed at delivering its MTFS there is no alternative other than to set a legal and balanced budget and agree its Council Tax before the statutory deadline.

The Council could return to the approach of agreeing proposals on an annual basis but this does not support a strategic approach which allows for proposals to be managed and implemented over a longer period of time leading to evidenced based policy decisions and better overall outcomes.

**5.20 Mayor's Individual Executive Decisions – List of Recently Published Decisions**

The Pre-Decision Scrutiny Questions and Responses were noted.

**DECISION**

10. To note the Individual Mayoral Decisions set out in the Appendices.

**Action by:****COMMITTEE SERVICES MANAGER (M. MANNION)****Reasons for the decision**

This is a noting report to aid transparency.

The reasons each decision were taken are set out in their specific reports.

**Alternative options**

The alternative option would be to not produce this report, but that would not aid transparency of decision making.

**5.21 Mayor's Executive Delegation Scheme - Update**

**DECISION**

1. To note the updated Mayor's Executive Decision Making Scheme.

**Action by:**

**HEAD OF MAYOR'S OFFICE (D. COURCOUX)**

**Reasons for the decision**

To note the updated Mayor's Executive Scheme of Delegation.

**Alternative options**

None.

**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.

**Reasons for the decision**

**Alternative options**

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

Nil items.

**Reasons for the decision**

**Alternative options**

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

Nil items.

The meeting ended at 7.25 p.m.

Mayor John Biggs