

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE CABINET****HELD AT 5.35 P.M. ON TUESDAY, 31 OCTOBER 2017****C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG****Members Present:**

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| Mayor John Biggs | |
| Councillor Sirajul Islam | (Statutory Deputy Mayor and Cabinet Member for Housing) |
| Councillor Amina Ali | (Cabinet Member for Environment) |
| 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 Denise Jones | (Cabinet Member for Health & Adult Services) |
| Councillor Abdul Mukit MBE | (Cabinet Member for Culture and Youth) |
| Councillor Joshua Peck | (Cabinet Member for Work & Economic Growth) |

Other Councillors Present:

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| Councillor Dave Chesterton | (Chair of the Overview and Scrutiny Committee) |
| Councillor Peter Golds | (Leader of the Conservative Group) |
| Councillor Andrew Wood | |

Officers Present:

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| Stephen Bramah | (Deputy Head of the Mayor's office) |
| Zena Cooke | (Corporate Director, Resources) |
| David Courcoux | (Head of the Mayor's Office) |
| Sharon Godman | (Divisional Director, Strategy, Policy and Partnerships) |
| Asmat Hussain | (Corporate Director, Governance and Monitoring Officer) |
| Debbie Jones | (Corporate Director, Children's) |
| 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) |
| Elizabeth Bailey | (Senior Strategy, Policy and Performance Officer) |
| Janice Beck | (Head of Building Development, Children & Adults Resources) |
| Bola Akinfolarin | (Interim Head of Development Compliance and Commissioning) |
| Richard Chilcott | (Acting Divisional Director, Property and Major |

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|-----------------|--|
| Ann Corbett | Programmes) |
| Abdul J. Khan | (Divisional Director, Community Safety) |
| | (Sustainable Development Manager, Strategy Innovation & Sustainability, Development and Renewal) |
| Veronica Parker | (Communications Adviser Communications) |
| David Tolley | (Head of Environmental Health and Trading Standards) |
| Matthew Mannion | (Committee Services Manager, Democratic Services, Governance) |
| David Knight | (Senior Democratic Services Officer) |
| Rushena Miah | (Committee Services Officer) |

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Amy Whitelock Gibbs, Cabinet Member for Education and Children's Services.

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 19 September 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 the following agenda items:

- Item 5.5 (Approval and allocation of S106 and CIL funding)
- Item 5.7 (Statement of Licensing Policy Review)
- Item 5.9 (Contract Forward Plan)
- Item 5.12 (School Place Investment Planning)

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

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

Nil items.

5. UNRESTRICTED REPORTS FOR CONSIDERATION

5.1 Climate Change Mitigation & Adoption Strategy

DECISION

1. To note that a mayoral priority growth bid was passed and an air quality fund has been approved in the last budget. The fund is for £200,000 over a two year period of 17/18 and 18/19. The fund is intended for 'prospective bidders to support activities aligned to the Council priorities in improving air quality'. Criteria for the proposed projects include:
 - be related to either reducing emissions of, reducing exposure to or increasing awareness of air pollution;
 - be directly relevant to actions in our AQAP;
 - have a measurable impact; and
 - have wider community benefits
2. To approve the Air Quality and Climate Change Strategy.
3. To approve the Air Quality Action Plan.

Action by:

ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

(Service Manager for Energy and Sustainability (A. Khan)

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

Reasons for the decision

The Climate Change Act 2008 commits the UK to reducing greenhouse gas emissions by at least 80% by 2050 on 1990 levels. It is recommended the Local Authority has a climate change strategy to support the commitments of the UK government and to carry out its local leadership role in tackling climate change.

The strategy will work alongside other action plans and strategies that are in place such as the Carbon Management Plan, Local Biodiversity Action Plan, Transport Strategy, Electric Vehicle Charging Point and the Air Quality Action Plan. This strategy will align the issues on air quality and climate change and it will ensure that all these action plans and strategies complement each other and work towards making Tower Hamlets a Great Place to Live.

Under Part IV of the Environment Act 1995 Local Authorities have a duty to review and assess air quality in their jurisdiction. Where levels of air pollutants exceed guideline limits then measures must be developed to reduce emissions towards achieving the air quality objectives. The majority of measures proposed are relevant for tackling both air pollution and climate change.

Alternative options

It is not a statutory requirement for the local authority to have a climate change strategy and therefore an alternative option would be not to have one. This is not suggested, however, as it is recognised that climate change is an issue across the world and that every person has a moral duty to tackle climate change. Local Authorities also have a duty to take on the community leadership role and in exercising this duty the Local Authority has the responsibility to lead and set the directions for tackling climate change, having a Climate Change Strategy will enable the Council to fulfil this role.

As a result of air pollution exceedances Tower Hamlets has a duty to adopt and implement an AQAP. If the Council fails to do this the Mayor of London will take legal action against us as he has a supervisory role, with powers to intervene and direct local authorities in Greater London.

5.2 Community Safety Partnership [CSP] Plan 2017 - 21

The recommendations were amended and then agreed.

DECISION

1. To recommend that Full Council approve the Community Safety Partnership Plan 2017-21 (Appendix 1 to the report), as per the Council Constitution.
2. To delegate to the Corporate Director, Health, Adults and Community authority to make minor changes to the Plan before submission to Council.

Action by:

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

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

Reasons for the decision

Council must adopt a Community Safety Partnership Plan in order to meet statutory requirements set by the Crime and Disorder Act (1998). The priorities and governance structure outlined in the Plan are based on the strategic assessment exercise that was carried out by statutory partners to consider data on crime and disorder in the Borough. They have been agreed by the Community Safety Partnership to be the best model to deliver a safer and more cohesive community in Tower Hamlets. The Mayor in Cabinet is asked to consider the Plan and satisfy himself that it can proceed to Full Council.

Alternative options

It is a statutory responsibility for Community Safety Partnerships to produce a Community Safety Partnership Plan. Under the Council Constitution it is the role of Full Council to ratify that Plan.

5.3 Funding for Additional Youth Activity

DECISION

1. To approve the allocation to the Youth Service of £300,000 additional funding from Council reserves on the items set out in the main body of the report.

Action by:

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

(Divisional Director, Youth and Commissioning (R. Martins-Taylor)

(Head of Integrated Youth and Community Services (C. Belgard)

Reasons for the decision

The continued delivery of innovative youth activity and A Team Arts ensures that the Council has due regard to the need to advance equality of opportunity and foster good relations between young people who share the protected characteristic associated with age.

Alternative options

A number of alternative restructure options were considered to transform the youth service these are set out below:

- **Do nothing:** The option to do nothing was considered but this was rejected.
- **Youth innovation fund:** The priority to deliver a youth innovation fund was identified in the 2016 youth consultation of young people. The option to fund this from existing base budget was explored but this would impact on the activity budgets available for universal youth hubs and would have a negative impact on the activities available so was rejected for the year 2017-18.
- **Eleven year old youth activity:** The Council and partners provide a range of services for children and young people of all ages through youth services, children's centres, holiday childcare schemes and a thriving local voluntary sector. Through consultation in 2016 the youth service made a decision to extend access to its universal youth hubs to 12 year olds but rejected a proposal to reduce this to 11 year olds. Children between the ages of 11 and 12 may be in need of additional support as they transition from primary to secondary school and this pilot will identify and support the most vulnerable of this cohort. Alongside this the youth service will complete a mapping of voluntary sector provision for this age group and ensure this information is available to the Family Information Service as well as exploring further the practicalities of introducing 1:1 support through the Early Help and Transitions Team.
- **Team Arts:** The A Team Arts is recognised as a valuable and award winning specialist arts provision that the Council wishes to retain but which could not be supported in 2017-18 from the youth service base budget.

Funding from Council reserves is requested for this financial year whilst a base budget growth bid has been submitted for future years. A Team Arts moved from Arts and Events to the Youth Service in April 2017 as this will enable the services provided to be embedded into the universal youth hubs and increase accessibility to a wider range of young people.

Having considered the options, funding of £300,000 from Council reserves is requested for the year 2017-18.

5.4 Scrutiny Review Youth Services - Action Plan

DECISION

1. To note the report and recommendations of the Scrutiny Challenge Session on Youth Services as set out in Appendix 1 to the report.
2. To approve the action plan in Appendix 2 to the report, which sets out the Council's response to the recommendations of the Scrutiny Challenge Session.

Action by:

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

(Interim Divisional Director, Youth and Commissioning (R. Martins-Taylor))

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 8 recommendations from the Scrutiny Challenge Session on Youth Services.

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 been agreed by the Directorate and is attached in appendix 2.

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

5.5 IDF: Approval of the allocation of S106 and CIL funding and Approval for the Adoption of a Capital Budget in Respect of the following projects: King Edward Memorial Park Masterplan Delivery; Aberfeldy Village Health Centre; Suttons Wharf Health Centre; Wellington Way Health Centre; Raines Foundation School.

The Pre-Decision Scrutiny Questions and verbal response were noted.

DECISION

1. To approve the allocation of £3,267,241 in Section 106 (S106) funding to the proposals set out in the “*King Edward Memorial Park Masterplan Delivery*” Project Initiation Document (PID), which is attached to the Cabinet report at Appendix A and Table 1.
2. To approve the allocation of £3,119,421 in Section 106 (S106) funding to the proposals set out in the “Aberfeldy Village Health Centre” Project Initiation Document (PID), which is attached to the Cabinet report at Appendix B and Table 1.
3. To approve the allocation of £2,937,287 in Section 106 (S106) and £182,091 in Community Infrastructure Levy (CIL) funding to the proposals set out in the “Suttons Wharf Health Centre” Project Initiation Document (PID), which is attached to the Cabinet report at Appendix C and Table 1.
4. To approve the allocation of £1,493,700 in Section 106 (S106) funding to the proposals set out in the “Wellington Way Health Centre” Project Initiation Document (PID), which is attached to the Cabinet report at Appendix D and Table 1.
5. To approve the allocation of £4,000,000 in Section 106 (S106) funding to the proposals set out in the “Raines Foundation School” Project Initiation Document (PID), which is attached to the Cabinet report at Appendix E and Table 1.
6. To approve the adoption of a capital estimate for the five projects described in this document and the attached PIDs and incorporate them into the Council’s capital programme.

Action by:

ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

King Edward Memorial Park
(Interim Parks Manager (A. Bigelow)
(Interim Parks Manager (A. Dickens)

Aberfeldy Village, Suttons Wharf and Wellington Way Health Centres
(Associate Director of Public Health (A. Knight)

Raines Foundation School
(Corporate Director, Children's Services (D. Jones)
(Head of Building Development (J. Beck)

Reasons for the decision

Approval is sought to deliver these projects for the following reasons:

1. They help contribute to the delivery of positive improvements to people's lives that will underpin the Community Plan themes of:
 - A Great Place to Live;
 - A Fair and Prosperous Community;
 - A Safe and Cohesive Community;
 - A Healthy and Supportive Community.
2. They will improve the public realm, accessibility, and wellbeing of residents and workers; improve economic activity, and employment and enterprise opportunities, as well as overall levels of public participation.

Please refer to the following associated documents/appendices to the Cabinet report for more information about the projects:

- Appendix A: King Edward Memorial Park Masterplan Delivery PID
- Appendix B: Aberfeldy Village Health Centre PID
- Appendix C: Suttons Wharf Health Centre PID
- Appendix D: Wellington Way Health Centre (New Build Extension) PID
- Appendix E: Raines Foundation School PID

Alternative options

The projects within the attached PIDs can be individually or collectively approved. The only alternative option is to not allocate the funding to some or any of these projects.

It should be noted that the use of S106 funding proposed for allocation in this report is restricted, as it must be spent in accordance with the terms and conditions of its expenditure pertaining to a specific S106 agreement related to the development from which it originates. Further details of the specific restrictions attached to each S106 agreement can be found in the attached PIDs. Any alternative spend of this funding would have to be on the projects that would meet the requirements of the relevant S106 agreement.

With regards to Raines Foundation School, if there is no support from the Council, the alternative would be to spread the project and funding over several years which is likely to be more expensive as well as disruptive to the school. However, if a lower sum were to be agreed, a reduced scheme could be considered alongside the priorities within the available sum but that would reduce the potential benefits.

5.6 Disposal of 2 Trinity Green, Mile End Road, E.1. 4TS - Richard Chilcott

The exempt appendix was noted.

The recommendations were amended and then agreed.

DECISION

1. To defer consideration of the report to a future Cabinet meeting to allow for further discussion on potential disposal processes.

ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

(Divisional Director, Property and Major Programmes (R Chilcott))

Reasons for the decision

To provide time to review further options for the potential disposal of the property.

Alternative options

The Cabinet could have agreed the process set out in the report or could have determined not to dispose of the property.

5.7 Statement of Licensing Policy Review 2018

The Pre-Decision Scrutiny Question and Response were noted.

DECISION

1. To agree the forward programme for consulting on the proposed Statement of Licensing Policy.
2. To agree, that the consultation should be based on the proposed changes detailed in Appendix Two to the report.
3. To delegate to the Corporate Director, Place authority to make any pre consultation amendments to the policy deemed necessary following consultation with the Corporate Director Governance.
4. To consult whether to retain the current Cumulative Impact Zone in the Brick Lane area at Appendices 1 and 3 to the report.
5. To consider whether to consult on a further Cumulative Impact Zone for Bethnal Green Road/ Cambridge Health Road to Old Bethnal Green Road that forms part of the Licensing Policy.

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

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

Reasons for the decision

The Council is statutorily required to review its Statement of Licensing Policy every five years. As part of the review a statutory consultation must take place. This includes any Cumulative Licensing zone.

The proposed Statement of Licensing Policy which reflects changes to the current version of the policy is at Appendix Two to the report. This will enable the new statutory provisions to be reflected in the reviewed Statement of Licensing Policy.

Alternative options

The Council does not have the option not to review its Statement of Licensing Policy as it would be open to legal challenge for not having a properly consulted and adopted Policy.

The Council also has the option of not retaining the Cumulative Impact Zone, which forms part of the Licensing Policy.

5.8 Passenger Transport Contact Extension**DECISION**

1. To agree to continue to operate within the existing Passenger Transport Contact Framework for a period of 1 year and 6 months to ensure continuity of service.
2. To authorise the Corporate Director of Place (or in the Corporate Director's absence the Divisional Director) after consultation with the Corporate Director, Governance, to agree the final terms and conditions of any agreement to implement this decision; and
3. To authorise the Corporate Director, Governance, to execute all necessary contract documents to implement this decision.
4. To amend the estimated value of contract spend for the re-procurement of the Passenger Transport Framework shown on the contracts forward plan and presented to the Mayor in Cabinet on the 26th July 2016 to read £10.8 million

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

(Interim Head of Development, Compliance and Commissioning (B. Akinfolarin))

Reasons for the decision

To ensure that the Council upholds its statutory responsibility for assisting with transport arrangements for children with special educational needs and adults with care plans under the Care Act 2014, in the borough.

Alternative options

The only option is to allow the framework to expire which means that the Council would not be able to legally provide the transport. This would therefore mean that the Council would be in breach of its statutory duty to provide the transport to children who require it as their means of accessing education.

5.9 Contracts Forward Plan 2017/18 Q3

The Pre-Decision Scrutiny Question and Response were noted.

DECISION

1. To note the Contracts Forward Plan at Appendix 1 to the report.
2. To confirm that all contracts can proceed to contract award after tender.
3. To authorise the Divisional Director, Legal Services to execute all necessary contract documents in respect of the awards of contracts referred to in recommendation 2 above.
4. To note the procurement forward plan 2017-22 schedule detailed in Appendix 2 to the report.

Action by:

CORPORATE DIRECTOR, RESOURCES (Z. COOKE)

(Head of Procurement (Z. Ahmed))

Reasons for the decision

The Council's Procurement Procedures require submission of a quarterly forward plan of contracts for Cabinet consideration, and it is a requirement of the Constitution that "The contracting strategy and/or award of any contract for goods or services with an estimated value exceeding £250K, and any contract for capital works with an estimated value exceeding £5m shall be approved by the Cabinet in accordance with the Procurement Procedures". This report fulfils these requirements for contracts to be let during and after quarter three of the current financial Year.

Alternative options

Bringing a consolidated report on contracting activity is considered the most efficient way of meeting the requirement in the Constitution, whilst providing full visibility of contracting activity; therefore no alternative proposals are being made.

5.10 Appointments to External Bodies October 2017**DECISION**

1. To agree to the removal of Councillor John Pierce from the Board of the Norton Folgate Almshouses Charity.
2. To agree to the removal of Councillor Andrew Cregan from the Board of East End Homes.
3. To agree to the appointment of Councillor John Pierce to serve on the Board of East End Homes, to serve until further notice.
4. To agree to the removal of Councillor Rachael Saunders from and the appointment of Councillor Denise Jones, to serve until further notice on:
 - a. East London & The City University Mental Health NHS Trust (East London NHS Foundation Trust),
 - b. East London Nursing Trust and
 - c. the role of Older People's Member Champion.
5. To agree to the appointment of Councillor Amy Whitelock-Gibbs to serve on the Tower Hamlets Education Partnership Advisory Council, to serve until further notice.

Action by:**CORPORATE DIRECTOR, GOVERNANCE (A. HUSSAIN)**

(Committee Services Manager (M. Mannion))

Reasons for the decision

Appointing representatives to outside bodies increases the Council's engagement with the local community and improves its potential to offer leadership and guidance in relation to activities taking place in the Borough.

Alternative options

The Mayor could decide not to make appointments to outside bodies at all. However, this is not recommended as it would reduce the Council's opportunity to be involved in and to support good work within the community and it would also reduce the Council's leadership opportunities. There are also a number of bodies where the Council is required, or expected to provide a representative.

5.11 Mayor's Individual Executive Decisions - List of Recently Published Decisions

DECISION

1. 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.

5.12 School Place Investment Planning, Children's Services Capital Programme

The reasons for urgency set out in the report were agreed.

The Pre-Decision Scrutiny Questions and Response were noted.

DECISION

1. To note the contents of this report and the anticipated out-turn for the 2016/17 Children's Services Capital Programme and proposed allocation of the funding available in 2017/2020 as set out in Appendix A.1 and 2 (paragraph 3.2) to the report;
2. To note the deferral of the scheme to create a new primary school on the Bromley Hall School site (paragraph 3.5 of the report);
3. To note that discussions are ongoing regarding the future use of the former Bow Boys' School site to meet primary place needs in the area and wider high needs special provision requirements (paragraph 3.10 of the report)
4. To approve the adoption of a capital estimate of £5m for the opening of a primary school at Wood Wharf (paragraph 4.3 to the report);
5. To agree that the Council should enter into an Agreement for Lease with Canary Wharf Group for the proposed school (paragraph 3.27) and authorise the Corporate Director, Governance to finalise the terms of the lease and agreement for lease;

6. To approve the adoption of a capital estimate of £9m for works at Langdon Park and George Green's Schools to provide additional 6th Form accommodation and also the replacement of the temporary classroom block at George Green's School (paragraph 4.4 of the report);
7. To approve the adoption of a capital estimate of £3m for works at Bow School to provide additional accommodation (paragraph 4.5 of the report);
8. To agree that authority is delegated to the Corporate Director, Children's Services, in consultation with the Corporate Director of Resources, to agree tenders for projects in respect of all proposed tenders referred to in this report, within the approved programmes and capital estimate;
9. To agree that authority is delegated to the Corporate Director, Children's Services, in consultation with the Corporate Director of Resources, to prepare and carry out a Bill of Reductions for any scheme that exceeds the budget to ensure expenditure is contained within the agreed costs.

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

(Education and Partnerships Capital and Asset Management Manager (C. Coughlan))

Reasons for the decision

These decisions are required to allow the progress of capital investment proposals to meet statutory requirements for school places and other high priority service improvements.

Alternative options

All options available have been considered in relation to the development of the proposals set out in this paper, in order to maximise the impact of capital investment and minimise impact of construction works on existing service users. Requirements for investment are reviewed at a number of stages during the development of the projects to ensure value for money and to reflect back on the delivery of the stated service objectives.

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 7.33 p.m.

Mayor John Biggs