

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.33 P.M. ON TUESDAY, 19 DECEMBER 2017

**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)
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)
Councillor Amy Whitelock Gibbs	(Cabinet Member for Education and Children's Services)

Other Councillors Present:

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

Officers Present:

Stephen Bramah	(Deputy Head of the Mayor's office)
Vicky Clark	(Divisional Director for Economic Growth and Development)
John Coker	(Strategic Housing Manager, Place)
Ellie Kuper-Thomas	Planner, Plan Making Team (Place)
Niall McGowan	(Housing Regeneration Manager)
Matthew Pullen	(Infrastructure Planning Manager)
Marissa Ryan-Hernandez	(Plan Making Team Leader)
Andy Scott	(Divisional Director, Growth & Economic Development)
Matthew Vaughan	(Political Advisor to the Conservative Group, Democratic Services, LPG)
Anthony Walters	(Programme Manager, Children's Services Improvement)
Joseph Ward	(Development Viability Team Leader, Place)
Owen Whalley	(Divisional Director, Planning & Building Control)
Asmat Hussain	(Corporate Director, Governance and Monitoring Officer)

Debbie Jones	(Corporate Director, Children's)
Tom McCourt	(Strategic Director)
Neville Murton	(Divisional Director, Finance, Procurement & Audit)
Denise Radley	(Corporate Director, Health, Adults & Community)
Ann Sutcliffe	(Acting Corporate Director, Place)
Will Tuckley	(Chief Executive)
Colin Middleton	(Construction Project Officer, WorkPath)
Matthew Mannion	(Committee Services Manager, Democratic Services, Governance)
David Knight	(Senior Democratic Services Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Zena Cooke (Corporate Director, Resources), Neville Murton (Divisional Director, Finance, Procurement and Audit) deputised.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Denise Jones declared a Disclosable Pecuniary Interest in two projects listed under Agenda Item 5.7 (IDF: Approval of the Allocation of CIL and s106 funding) namely the Brick Lane Regeneration Project and the Middlesex Street Public Art Project. She left the meeting for the duration of the discussion of those items.

3. UNRESTRICTED MINUTES

DECISION

1. That the unrestricted minutes of the Cabinet meeting held on Tuesday 28 November 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 the following agenda items:

- 5.1 – Children's Services Improvement - progress report quarter 2
- 5.2 – Update on implementation of the Mayor's Transparency Protocol and response to the OSC Transparency Commission report
- 5.3 – Establishment of Group Training Association for Construction Training
- 5.6 – Removal of Nuisance and Illegally Parked Vehicles
- 5.7 – IDF: Approval of the Allocation of CIL and s106 funding

- 5.8 – Consultation on a new CIL charging schedule and submission for examination
- 5.9 – Neighbourhood Planning – Isle of Dogs Neighbourhood Plan 2017 - 2031
- 5.13 – Corporate Directors' Decisions

The questions (and answers provided) were considered during discussion of the relevant Agenda Items.

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

Nil items.

5. UNRESTRICTED REPORTS FOR CONSIDERATION

5.1 Children's Services Improvement- progress report quarter 2

The Pre-Decision Scrutiny Questions and Answers were noted.

DECISION

1. To endorse the progress made in delivering the children's services improvement programme.
2. 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.

5.2 Update on implementation of the Mayor's Transparency Protocol and response to the OSC Transparency Commission Report

The Pre-Decision Scrutiny Questions and Answers were noted.

DECISION

1. To note the progress in delivering the actions set out in the Mayor's Transparency Protocol (Appendix B to the report) and the actions agreed to in response to the Transparency Commission's recommendations (Appendix C to the report).
2. To approve the summary of key achievements on the Council's transparency agenda (Appendix A to the report) and decide if and how this information should be publicised.

Action by:

CHIEF EXECUTIVE (W. TUCKLEY)

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

(Senior Strategy, Policy and Performance Officer (S. Begum)

Reasons for the decision

A key Mayoral commitment was to make the organisation more open, transparent and accountable. The Mayor agreed a Transparency Protocol on 3rd November 2015. The Overview and Scrutiny Committee concurrently put together a Transparency Commission to discuss what more could be done to ensure the Council was as transparent as possible going forward and produced a number of recommendations. An action plan was subsequently agreed, to further these recommendations.

This report provides progress updates against the actions from both of these pieces of work.

Alternative options

The Mayor in Cabinet can decline to note the progress. This is not recommended as the Council has done significant work to improve transparency across the organisation and has committed to undertake a number of actions over the coming months to further progress the agenda. These are highlighted in this report.

5.3 Establishment of Group Training Association for Construction Training

The Pre-Decision Scrutiny Question and Answer were noted.

DECISION

1. To agree to pursue the formal establishment of an East London Group Training Agency (GTA) in partnership with the London Legacy Development Corporation (LLDC) and other east London Councils.
2. To receive a further report in the new year to set out recommendations for the adoption of a formal governance structure including legal, financial and procurement implications for the Council; and to seek approval for formal LBTH representation within the recommended governance structure.

Action by:

ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

(Divisional Director, Growth and Economic Development (A. Scott)

(Construction Development Officer (C. Middleton)

Reasons for the decision

Decisions need to be taken to enable the establishment of a Group Training Association in East London with the active involvement of LBTH. Partners developing the proposals include LBTH, the London Legacy Development Corporation, London Borough of Waltham Forest and London Borough of Hackney. This will involve further preliminary work to enlist the support of industry; the establishment of legal and governance structures to support GTA development and delivery, and to enable the leasing of Cathall Road Construction Skills Centre and the commissioning of a training provider to deliver training required.

Alternative options

Do nothing. WorkPath and contractors are finding it increasingly difficult to recruit appropriate local residents to fill local vacancies and to enable the fulfilment of apprenticeship and job commitments outlined in S.106 agreements and council contracts. Without radical intervention such as the GTA this situation is likely to continue for the foreseeable future.

Continue to use existing training providers to deliver apprenticeship and other construction related training. Existing training providers do not have the confidence of industry and are unlikely to take advantage of the training programmes offered. Local residents are therefore less likely to access opportunities.

5.4 Withy House Tenant Management Organisation (TMO) Termination Notice

The recommendations were amended and then agreed.

DECISION

1. To defer a decision on whether to terminate the Management Agreement for six months to allow time for Withy Tenant Management Organisation to progress their improvement programme and for an Independent Assessor to undertake an organisational review of the Tenant Management Organisation and to provide a report back to the Mayor recommending a final course of action.

Action by:

ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

(Strategic Housing Manager (J. Coker))

Reasons for the decision

The response from the TMO to the matters raised in the breach notice served on them in June 2016 did not indicate that the TMO had the competence or capacity then, or in the near future, to remedy the shortcomings identified in a draft internal audit. The Council is therefore not satisfied that the TMO has satisfactorily initiated the necessary action to remedy the breaches in the necessary timescale, or is likely to do so in the future. Public funds have already been put at risk due to the TMO's failings and remain at risk.

Alternative options

Alternative options considered, but not recommended by officers, are to either remove the delegated authority for specific functions e.g. repairs, but allow the TMO to continue under an action/improvement plan, or to offer the TMO more time to strengthen its action/improvement plan. Neither of these options really addresses the systemic failures of the organization, and would leave the risks identified by the LBTH audit to continue for an indefinite period. The officers and advisors' view was that that the time required to implement an action and improvement plan could extend to 18 months or more (assuming that there were sufficient volunteers among residents who were both willing and able to undergo the necessary training and devote the extensive personal time to achieving the outcomes required).

5.5 Better Care Fund 2017- 2019 - Section 75 agreement

DECISION

1. To agree to the Council entering into a joint agreement with Tower Hamlets Clinical Commissioning Group (CCG), under Section 75 of the NHS Act 2006, to give formal effect to the Better Care Fund Plan and programme.
2. To approve the draft section 75 agreement attached as Appendix 1 to the report and agree that any final amendments to the s75 agreement should be delegated to the Corporate Director, Health, Adults & Community, following consultation with the Corporate Director, Governance.

Action by:

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

(Senior Strategy, Policy and Performance Officer (S. Tennison))

Reasons for the decision

It is a condition of receipt of Better Care Fund resources that there should be a joint agreement between the Council and the CCG under Section 75 of the NHS Act 2006 on how the money will be spent and the arrangements for its governance.

Alternative options

Not applicable.

5.6 Removal of Nuisance and Illegally Parked Vehicles

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

DECISION

1. To agree to extend the current contract for eight months in order to allow sufficient time for the full tender to be advertised on OJEU and the assessment and award of the new contract for the removal of nuisance vehicles.
2. To agree retrospective permission to include the tendering out of parking enforcement on housing land in the new contract. This is retrospective approval for Lot 2 of this contract for THH.

Action by:

STRATEGIC DIRECTOR, PLACE (T. McCOURT)

(Head of Parking and Mobility Services (M. Darby))

Reasons for the decision

These proposals are being made in order to ensure that the Service's operational capabilities are in line with the Mayor's manifesto commitments, the Council's transport policies and government guidance.

Consistent parking enforcement operations maintain a balance between public safety, controlling the level of demand for parking, promoting more sustainable methods of travel and meeting residents and business aspirations for ease of vehicular parking.

Alternative options

Without these contracts in place the Service may be unable to ensure that the Mayor's and the Council's priorities are effectively delivered.

5.7 IDF: Approval of the Allocation of CIL and S106 funding and Approval for the Adoption of a Capital Budget in Respect of a number of projects

The Pre-Decision Scrutiny Questions and Answers were noted.

DECISION

1. To approve the allocation of £270,000 in Community Infrastructure Levy (CIL) funding to the proposals set out in the "South Dock Bridge: Initiation, Design and Public Consultation Phases" Subordinate Project Initiation Document (Sub-PID), which is attached to the Cabinet report at Appendix A and Table 1.
2. To approve the allocation of £440,000 in Section 106 (S106) funding to the proposals set out in the "Route 108: Bow Enterprise Park Development Bus Service Enhancement" Project Initiation Document (PID), which is attached to the Cabinet report at Appendix B and Table 1.
3. To approve the allocation of £1,143,405 in Section 106 (S106) funding to the proposals set out in the "Brick Lane Regeneration - Phase 2 Project Delivery" Project Initiation Document (PID), which is attached to the Cabinet report at Appendix C and Table 1.
4. To approve the allocation of £305,000 in Section 106 (S106) funding to the proposals set out in the "Toynbee Hall Refurbishment" Project Initiation Document (PID), which is attached to the Cabinet report at Appendix E and Table 1.
5. To adopt a capital estimate for the following projects detailed in Table 2 of the report:
 - a) Brick Lane Regeneration – Phase 2 Project Delivery Project Initiation Document (PID) attached at Appendix C and Table 2 (£1,143,405) of the report.
 - b) Middlesex Street Art Project Initiation Document (PID) which is attached at Appendix D and Table 2 (£304,326) of the report.

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

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

(Divisional Director, Growth & Economic Development (A. Scott)

(Supporting Divisional Director, Corporate Finance (S. Jones)

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 and civic pride.

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

- Appendix A to the report: South Dock Bridge: Initiation, Design and Public Consultation Phases Sub-PID
- Appendix B to the report: Bow Enterprise Park Development Bus Service Enhancement PID
- Appendix C to the report: Brick Lane Regeneration - Phase 2 Project Delivery PID
- Appendix D to the report: Middlesex Street Art PID
- Appendix E to the report: Toynbee Hall Refurbishment 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.

5.8 Consultations on a new Community Infrastructure Levy (CIL) Charging Schedule and submission for examination

The Pre-Decision Scrutiny Question and Answer were noted.

DECISION

1. To approve the *Tower Hamlets CIL Preliminary Draft Charging Schedule* (Appendix A of the report) and supporting evidence for a 6 week public consultation.
2. To authorise the Corporate Director of the Place Directorate to:
 - Approve minor modifications to the PDCS following the public consultation;
 - Where no material modifications are required to the proposed Charging Schedule following the consultation on the PDCS, approve the undertaking of a subsequent consultation on a DCS;
 - Where no material modifications are required following the consultation on the DCS, to approve the submission of the Council's proposed Charging Schedule and associated evidence base for public examination.
3. To note that if material modifications to the Charging Schedule following consultation are required, that approval to undertake a subsequent consultation will be referred to the Mayor in Cabinet.
4. To note BNP Paribas Real Estate's *CIL Viability Study* (Appendix B to the report) that forms part of the supporting evidence for the PDCS. The document appended is less its appendices (as they run to 244 pages) – the full document including the appendices is available separately as a background document. The full document will be published for consultation.
5. To note the *Supporting Evidence and Funding Gap Report* attached at Appendix C to the report. This document explains the infrastructure planning criteria the Council must account for in adopting a new CIL Charging Schedule.
6. To note other associated documents that will be published alongside the PDCS, including:
 - An Equality Assurance Checklist (Appendix D to the report – not subject to consultation);
 - A Payment in Kind and Infrastructure Payments Policy (Appendix F to the report);

- Charging Schedule Explanatory Notes (Appendix G to the report).

7. Approve the adoption of an updated Instalments Policy (Appendix E to the report).

Action by:

ACTING DIVISIONAL DIRECTOR, PLACE (A. SUTCLIFFE)

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

Reasons for the decision

The reason for the decision is to ensure that the Council's CIL rates are set at an appropriate level, to allow the Council to maximise the funding to deliver much needed supporting infrastructure.

Consultations on the proposed Charging Schedule are required prior to the examination and adoption of a new Charging Schedule.

Alternative options

One alternative option would be to not seek to renew the Council's CIL Charging Schedule. This is not considered appropriate because this would result in the Council not maximising its CIL income.

5.9 Neighbourhood Planning: Isle of Dogs Neighbourhood Plan - 2017 to 2031 - Legal Compliance and Examination Stage

The Pre-Decision Scrutiny Question and Answer were noted.

A minor change to the dates of the consultation exercise were noted.

DECISION

1. To agree that the submission of the draft Isle of Dogs Neighbourhood Plan under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 is Legally Compliant and should be publicised under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and taken forward to Examination.
2. To agree that the Council should proceed to appoint an independent examiner with the consent of the neighbourhood forum in accordance with Paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).
3. To delegate authority to the Divisional Director of Planning and Building Control, following consultation with the Cabinet Member for Strategic Development and Waste and the Mayor, to provide comments on behalf of the Council on the Submission version of the Plan.

Action by:

ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

(Strategic Planning Manager (M. Ryan-Hernandez))

(Principal Planning Officer (E. Kuper-Thomas))

Reasons for the decision

Tower Hamlets Council, as LPA, has received a submission of a draft NDP under Regulation 15 of the 2012 Regulations.

Under The Localism Act (2011), the LPA is required upon submission of a NDP to check that it meets the legal requirements for those plans before it can progress to formal consultation, examination and referendum.

Under Regulation 16 of the 2012 Regulations the LPA has a statutory duty to take the documents forward to consultation 'as soon as possible after receiving a plan proposal which includes' the specified documents outlined in Regulation 15 of the 2012 Regulations.

Officers have undertaken an assessment of the submitted Isle of Dogs Neighbourhood Plan against relevant provisions of the TCPA 1990 and the 2012 Regulations. As a result, officers are satisfied that the Isle of Dogs Neighbourhood Plan accords with relevant legislative requirements. It is therefore recommended that the submission should proceed to consultation and examination.

Alternative options

A LPA may decline to consider the NDP submission if it is a repeat submission, or refuse to take forward a NDP if it does not meet the requirements of the 2012 Regulations.

Where the LPA is satisfied that the submission meets the requirements of Schedule 4B paragraphs 5 and 6 and Regulation 18 section 61F of the TCPA 1990, the Submission must be approved. Where the LPA is not satisfied that the submission meets the said requirements, the LPA may either refuse to consider the plan or take forward the plan.

Officers consider that the Isle of Dogs Neighbourhood Plan meets the relevant legislative provisions and therefore should be publicised under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and taken forward to Examination. As the submission accords with the statutory criteria, there is no alternative option.

5.10 Blackwall Reach Regeneration: New Charitable Trust & CPO Resolution**DECISION**

In respect to the Blackwall Trust:

1. To agree to establish the Blackwall Trust, a charitable company limited by guarantee, and delegate to the Corporate Director of Place, after consultation with the Corporate Director of Governance and Monitoring Officer, the power to take all necessary steps for this purpose including, but not limited to, approving the name of the Trust, governance documents (including the memorandum of association, articles of

association and objects), submitting documents and making necessary applications/registrations with Companies House, the Charity Commission, and HMRC.

2. To authorise the Corporate Director, Place, to nominate up to 2 officers to be appointed as directors and trustees of the company on behalf of the Council, subject to any restriction on local authority control which will be determined once the final structure is confirmed.
3. To authorise the Corporate Director of Governance and Monitoring Officer to execute any agreements or documents required to give effect to Recommendations 1 and 2.
4. To authorise the Corporate Director of Place to finalise and grant a 250 year lease of the Millennium Green to the new Blackwall Trust, to be retained as open space, subject to consideration being given to any objections made following advertisement of the intended disposal in accordance with section 123(2A) of the Local Government Act 1972.
5. To authorise the Corporate Director of Place to transfer to the Blackwall Trust any funds the council has received from Swan Housing Association Limited and which are being held on trust for the Trust.

In respect to the Millennium Green Compulsory Purchase Order, the Mayor in Cabinet is recommended to:

6. To agree the making, confirming and implementation of a Compulsory Purchase Order under section 226(1)(a) of the Town and Country Planning Act 1990 to acquire plots 61, 71 and 74 (as shown in the map in Appendix 1 to the report) which are located within the residual Robin Hood Millennium Green, and currently in the ownership of the Robin Hood Millennium Green Trust, in order to secure its preservation and improve its management.
7. To note that the Council has made (and will continue to make) a concerted effort to negotiate the acquisition of the Millennium Green land with its Trustees, but that to date these negotiations have proven unsuccessful.
8. Determine that the use of CPO powers is justified after balancing the rights of the land owners with the need to secure the preservation and improvement of the open space.
9. Determine that the interference with the human rights of the property owners affected by these proposals, and in particular their rights to the ownership of property, is proportionate, given the adequacy of their rights to object and to compensation (where applicable), and the benefit to the economic, social and environmental well-being of the areas of Tower Hamlets affected by these proposals.

10. To authorise the Corporate Director of Place to take all necessary steps to implement recommendation 2.6 including but not limited to:
- a. Acquiring the land interests identified in the map at Appendix 1 to the report, either by private treaty or compulsorily.
 - b. Appointing land referencing agents, making the CPO, publication and service of any press, site and individual notices and other correspondence for such making.
 - c. To apply for a certificate under section 19(1)(aa) of the Land Acquisition Act 1981 to the Secretary of State or, if no certificate is granted, to pursue the compulsory acquisition through the special parliamentary procedure.
 - d. Seeking confirmation of the CPO by the Secretary of State (or, if permitted, by the Council under any permission or power conferred by the Secretary of State), including the preparation and presentation of the Council's case at any Public Inquiry which may be necessary.
 - e. Publication and service of notices of confirmation of the CPO and thereafter to execute and serve any General Vesting Declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area identified in the plan at Appendix 1 to the report;
 - f. Issuing of General Vesting Declarations or Notices to Treat in respect of the land/interests identified in the map at Appendix 1 to the report.
 - g. Referral and conduct of disputes, relating to compulsory purchase compensation at the Upper Tribunal (Lands Chamber), where applicable.

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

(Housing Regeneration Manager (N. McGowan))

Reasons for the decision

The Council in delivering its regeneration programme at Blackwall Reach is committed to preserving and improving the large central green space as a park for use and enjoyment by future generations of residents. This commitment was made to residents, and is also contractual in terms of the development agreement and undertakings made to Natural England, the successor body to the Countryside Agency that established the existing open space as a Millennium Green in 2001.

The Council has also undertaken to broaden the regeneration benefits for the expanding local community by establishing a new charitable body with a dual role:

- to oversee the new park as its leasehold custodian, ensuring it is preserved as open space in perpetuity and is properly managed and maintained;

- to help fund initiatives to improve the lives of local people, long after the physical transformation of the areas is complete.

The decisions requested are necessary to achieve these commitments:

- firstly to set up the required charitable Blackwall Trust to be constituted as a company limited by guarantee; and
- secondly to support by compulsory purchase the acquisition of part of the existing open space which the Council does not yet own, to ensure it can be re-landscaped for continued inclusion in the central park for which the new Blackwall Trust will hold the lease.

Alternative options

The variant options are: not to proceed at all with one or both proposals; or to delay making a decision to proceed. Both proposals are however integral to the delivery of the Blackwall Reach regeneration.

The consequence of a decision not to proceed, or of a delay in making a decision on either of these matters, would risk achieving a less comprehensive approach to the overall regeneration and could jeopardise the renewal and future management of the green space in a cogent way. Critically it would put the Council in a position where it is unable to deliver the whole site for assembly, in accordance with its obligations under contractual arrangements it has entered into with its development partners.

Further details are available in the report.

5.11 Sonali Gardens Day Centre

DECISION

1. To agree to enter into a 25 year lease for the ground floor of the building 79 Tarling Street, London E1 0AT.
2. To agree that the Council may grant a simultaneous sub-lease to St Hilda's East of the whole building, to continue running the provision of an adult day care centre, on the terms mirroring the head lease.

Action by:

ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

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

Reasons for the decision

The property comprises a purpose built day centre occupying part of the Ground Floor of a modern 4 storey brick built part residential building. St Hilda's East is the current occupier of the building as a commissioned service provider, running the provision of an adult day care service to older people aged 65+.

The Council wishes to retain an interest in the building so that it can offer this as a resource base when the current service is re-commissioned and it is accepted by all parties that it is appropriate for the Council to take a head lease of the property and grant a sub-lease to the commissioned service provider, which for the time being will remain as St Hilda's.

Terms were agreed early in 2016 between the Landlord and the Council for a new 25 year lease at a very advantageous rent based on the community use of the property. The estimated full rental value of the property is in the order of £125,000 p.a. but terms have been negotiated at £13,325 p.a. subject to RPI linked rent reviews. In addition to this the Council will make a payment of circa £100,000 to the landlord to reflect the arrears of rent since 2002 as detailed in the heads of terms.

The intention is for the Council to take the head lease and then grant a sublease to the occupying service provider on terms mirroring those of the head lease. The provider would take account of the need to meet these rental payments in its tender to the council. Thus in rental terms, the lease is cost neutral to the council.

Alternative options

If the Council chooses not to enter into the head lease then the Landlord could decide to recover possession of the property. In this case the Council would need to decide whether to lose this day care centre or whether to relocate. This is a purpose built centre therefore the chance of finding a suitable replacement is remote. In view of the advantageous rent agreed any such replacement is likely to be more expensive and/or of inferior quality.

If the Council decides not to enter into the sublease then St Hilda's will not withdraw their application to the court and if they choose will be granted a lease directly from the landlord. In this case the council will lose control of the day centre. If St Hilda's choose not to take a lease there is no obligation on the landlord to allow the day centre to remain in occupation

5.12 Publication of Brownfield Register

DECISION

1. To approve the publication of the London Borough of Tower Hamlets Brownfield Land Register.

Action by:

ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)
(Divisional Director, Planning and Building Control (O. Whalley)
(Technical Support Manager (U. Qureshi)

Reasons for the decision

The requirement to publish a Brownfield Land Register is a new statutory function arising from the Town & Country Planning (Brownfield Land Register) Regulations 2017. The register must be in place by 31st December 2017.

Alternative options

This is a new regulatory duty placed on Local Authorities and so in this instance there are no alternative options.

5.13 Corporate Directors Decisions

The Pre-Decision Scrutiny Question and initial verbal response were noted.

DECISION

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

Action by:

CORPORATE DIRECTOR, RESOURCES (Z. COOKE)

(Accountant – Financial Planning (A. Miah))

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 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 decisions 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

DECISION

1. That the exempt/confidential minutes of the Cabinet meeting held on Tuesday 28 November 2017 be approved and signed by the Chair as a correct record of proceedings.

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 7.10 p.m.

Mayor John Biggs