

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES 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)

### **Agenda Order**

During the meeting the Mayor agreed to change the agenda order to allow Items with public attendance to be taken earlier. For clarity the minutes are presented in the order the Items appeared on the agenda.

At the meeting the agenda was taken in the following order:

- All Items up to and including 5.1 (Children's Services Improvement) were taken in order, followed by:
- Agenda Item 5.4 (Withy House Tenant Management Organisation)
- Agenda Item 5.9 (Isle of Dogs Neighbourhood Plan)
- Then all other Items in order starting with 5.2 (Update on the Mayor's Transparency Protocol and OSC Transparency Commission)

### **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.

In addition Councillor Dave Chesterton, Chair of the Overview and Scrutiny Committee, provided an update on the Committee's meeting the previous week.

He highlighted a number of issues that had been discussed including:

- A report back by the Mayor and Chief executive on the investigation of the allegations around bribery at planning meetings.
- A Scrutiny Spotlight Session with the Cabinet Member for Community Safety looking at a number of relevant issues such as crime prevention, cross-borough working, the operation of police ward panels, violence against women and girls and similar.
- A review of the Brexit Challenge Session and its impact on the Council and the Borough.

The Mayor thanked Councillor Dave Chesterton for his update.

##### **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

Councillor Amy Whitelock Gibbs, Cabinet member for Education and Children's services, introduced the report. She explained that this was the second quarterly update report and that progress had been verbally reported to the Overview and Scrutiny Committee in November.

She noted the Pre-Decision Scrutiny Questions and Answers and in particular welcomed the idea of providing more information to all Members about the children who were under the corporate parenting of the Council.

She drew Members attention to the highlights of the report including:

- The progress against the four themes in the improvement plan.
- The summary of the work of the improvement partners.
- That a report on the most recent OFSTED visit would be published in January.
- Initial improvements seen in the summer that were now being embedded.
- That there was a noticeable improvement in services being more child-focussed.
- A number of issues requiring more focus had also been identified in areas such as high case-loads and the recruitment and retention of staff. Ensuring change was fully embedded was also an important issue to monitor.
- The next visit from OFSTED was expected to be in May 2018.

During discussion the Mayor noted the tabled questions from Overview and Scrutiny Committee and the officer responses.

The **Mayor** stated that he was happy the council was moving in the right direction and he **agreed** the recommendations as set out.

### **RESOLVED**

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 would be updated on in the next report.

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

The Mayor introduced the report. He highlighted how important improving transparency was to the Council and that both he and the Overview and Scrutiny Committee had a key role in supporting this aim.

The **Mayor** noted the Pre-Decision Scrutiny Questions and the responses provided by officers, he **agreed** the recommendations as set out in the report.

### RESOLVED

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.

## 5.3 Establishment of Group Training Association for Construction Training

Councillor Joshua Peck, Cabinet Member for Work and Economic Development, introduced the report. He explained that, due to the amount of development work taking place in the Borough there was a massive opportunity for residents to apply for construction jobs but that it was becoming apparent that there was a significant gap in relevant training to support this process.

Following discussions with the London Legacy Development Corporation, other local authorities and the construction industry it was proposed to set up an employer led training association to support the sector. The Group would provide training support in a wide range of skills which, as well as on-site training, would include areas such as finance, legal and administration requirements for the industry.

The **Mayor** welcomed the report. He noted the Pre-Decision Scrutiny Question and written answer and **agreed** the recommendations as set out in the report.

### RESOLVED

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.

#### **5.4 Withy House Tenant Management Organisation (TMO) Termination Notice**

Councillor Sirajul Islam, Deputy Mayor and Cabinet Member for Housing, introduced the report on the termination of the Withy House Tenant Management Organisation (TMO) agreement. He stated that a number of residents had approached him at his surgeries expressing a desire to be allowed to continue to operate the TMO whilst they addressed the issues of concern that had been raised.

Cabinet heard from a representative of the Tenant Management Organisation who highlighted the previous good record of the organisation and requested that time be allowed to deal with the issues that had been highlighted by the Council.

During discussion, Councillor Sirajul Islam proposed that the Mayor should agree to defer a decision on the termination for 6 months at which point a further report would be presented for consideration on whether the TMO was now operating appropriately. It was also proposed that an Independent Assessor be appointed to produce the report.

The **Mayor** accepted the proposals and then **agreed** the amended recommendations.

#### **RESOLVED**

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.

#### **5.5 Better Care Fund 2017- 2019 - Section 75 agreement**

Councillor Denise Jones, Cabinet Member for Health and Adult Services, introduced the report. She explained that the Better Care Fund aimed to improve health outcomes for local people through better joined up services. The Council's proposals had been fully approved by NHS England and it was now necessary to pool funding through a Section 75 agreement.

The **Mayor** welcomed the report and the demonstration of close working with the Council's partners to achieve a better quality of life for residents. He agreed the recommendations set out in the report.

**RESOLVED**

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.

**5.6 Removal of Nuisance and Illegally Parked Vehicles**

Councillor Amina Ali, Cabinet Member for Environment, introduced the report. She explained that the Council currently had a three-lot contract which required an extension and then a new tender to be agreed.

During discussion the Mayor noted that there were legal changes required on local enforcement. He also noted disappointment on the need to extend the current contract.

Councillor Dave Chesterton, Chair of the Overview and Scrutiny Committee (OSC), noted the concerns of OSC that abandoned vehicles were the focus of Anti-Social Behaviour especially on housing association land.

The **Mayor** welcomed OSC's focus on this issue and he then **agreed** the recommendations as set out in the report.

**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.

**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**

Note – Councillor Denise Jones left the meeting for the duration of the discussion of the Brick Lane Regeneration Project and Middlesex Street Public Art Project due to a Disclosable Pecuniary Interest. She returned for the next agenda item.

Councillor Rachel Blake, Cabinet Member for Strategic Development, introduced the report and passed over to the relevant Cabinet Members for each individual proposal.

The Mayor first discussed the proposal for the South Dock Bridge and the progress that had been made to date.

On Route 108 bus service enhancements, Councillor Amina Ali, Cabinet Member for Environment, noted that it was part of the Bow Enterprise development and that the associated s106 funding had originally been provided for public transport improvements.

In relation to the Brick Lane Regeneration Project, Councillor Joshua Peck, Cabinet Member for Work and Economic Development, explained that the area was a big visitor attraction for the Borough, it therefore needed a lot of care and investment. This proposal was the second stage of the project and included public realm improvements, wayfinding projects, artwork and more. This also included the Middlesex Street Art project which was listed as a separate item in the report.

On the Toynbee Hall Refurbishment Project, the Mayor explained that assistance was being sought from the Council which would help to underpin a number of services provided from that building.

The **Mayor** noted the Pre-Decision Scrutiny Questions and Answers. He then thanked officers for their work on these projects and on their efforts to ensure the most appropriate source of funding was used in each case. He **agreed** the recommendations as set out in the report.

## **RESOLVED**

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.

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

Councillor Rachel Blake, Cabinet Member for Strategic Development, introduced the report. She explained that the Council had decided to review its CIL charging structure. Two consultations were required and the timetable was set out in the report.

The most significant changes were in relation to residential development with smaller increases for commercial rates. Zone boundaries were also being amended. The evidence base for the proposals was also set out.

The **Mayor** noted the questions and tabled answers from the overview and scrutiny committee. He **agreed** the recommendations as set out.

### **RESOLVED**

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).

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

Councillor Rachel Blake, Cabinet Member for Strategic Development, introduced the report. She explained that the report was a procedural decision as to whether the plan was ready to go to the next step and was not a comment on the Council's views of the proposals. She noted that the consultation exercise would take place one week later than stated in Paragraph 7.2 of the report to avoid clashing with the call-in period.

During discussion Cabinet heard from representatives of the Isle of Dogs Planning Forum who thanked officers, especially Ellie Kuper-Thomas from the Plan Making Team, for the support they had provided.

The **Mayor** noted the Pre-Decision Scrutiny Question and Answer and **agreed** the recommendations as set out.

#### **RESOLVED**

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.

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

Councillor Rachel Blake, Cabinet Member for Strategic Development, introduced the report. She explained that the proposals set out in the report would allow for the new Trust to oversee the new central park and investment in community initiatives.

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

#### **RESOLVED**

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.

### 5.11 Sonali Gardens Day Centre

Councillor David Edgar, Cabinet Member for Resources, introduced the report. He explained the report was looking to secure the use of the site for the Sonali Gardens Day Centre through a new 25 year lease. A further sub-lease to the existing service provider would also be arranged for 18 months pending a retendering of the service.

During discussion a number of issues were noted including that:

- A huge amount of work had been undertaken by officers to get to this point.
- The certainty provided by this lease would be welcome by service users.
- There may be a need for some capital investment in the building.

The **Mayor** welcomed the report and **agreed** the recommendations as set out.

#### RESOLVED

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.

### 5.12 Publication of Brownfield Register

Councillor Rachel Blake, cabinet Member for Strategic Development introduced the report. She explained that the provision of a Brownfield Register was required by the government. She thanked officers for their work on the report.

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

#### RESOLVED

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

**5.13 Corporate Directors Decisions**

Councillor David Edgar, Cabinet Member for Resources, introduced the report. The Mayor noted the Corporate Director Decisions listed and the Pre-Decision Scrutiny Question and the Answer provided by officers. He noted that further details would be provided by officers after the meeting.

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

**RESOLVED**

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

**6. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT**

Nil items.

**7. EXCLUSION OF THE PRESS AND PUBLIC**

Nil items.

**8. EXEMPT / CONFIDENTIAL MINUTES****RESOLVED**

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