

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 15TH JULY 2009

**EXECUTIVE DECISIONS TAKEN UNDER SPECIAL
URGENCY PROVISIONS**

**REPORT OF THE LEADER OF THE COUNCIL FOR
INFORMATION**

1. SUMMARY

- 1.1 The Authority's Constitution (Part 4.2, Access to Information Procedure Rules) provides that the Leader shall submit a quarterly report as necessary to the Council on any Executive (Cabinet) decisions taken during the preceding three months under the Special Urgency provisions at Access to Information Rule 19.1.
- 1.2 Rule 19.1 applies to key decisions where prior notice of the decision has not been included in the Forward Plan but it is nevertheless necessary for reasons of urgency to take the decision at the Cabinet meeting, and where it has additionally not been possible to provide notice of the decision in accordance with the General Exception provisions in Access to Information Rule 18.
- 1.3 During the period 8th April 2009 to 7th July 2009, four decisions were taken by the Executive (Cabinet) under the Special Urgency provisions at Access to Information Rule 19.1. A brief summary of the matters in respect of which each of these decisions was made is included overleaf for information.

2. RECOMMENDATION

- 2.1 That the report be noted.

**EXECUTIVE DECISIONS TAKEN UNDER SPECIAL URGENCY
PROVISIONS – 8th APRIL to 7th JULY 2009.**

1. Housing Revenue Account Amended Rent Setting Report (CAB 145/089) – Cabinet meeting 8th April 2009, agenda item 11.1

The Cabinet took a number of decisions associated with a reduction in the proposed level of rent increases to apply from April 2009 and consequent amendments to the 2009/10 Housing Revenue Account Budget, following guidance from the Department of Communities and Local Government (DCLG) and the offer of additional HRA subsidy as a consequence of the unprecedented global downturn in the economy.

The DCLG proposals were published on 26th March 2009 and authorities were invited to bid for additional subsidy, in order to reduce rent increases to 3.1% or less, by Friday 24th April, 2009. Cabinet consideration of the Minister of State's offer was therefore urgently required in order satisfy this requirement.

2. Davenant Centre (CAB 007/090) – Cabinet meeting 10th June 2009, agenda item 19.1 (exempt from publication)

The Cabinet took decisions in relation to the Davenant Centre Company, an independent charitable company which owns the Davenant Centre building in Whitechapel. The objects of the Davenant Centre are to promote the benefit of those living or working in Tower Hamlets, and to use the building for such ends, the advancement of education and work training, recreation, and advice and assistance.

The report on this matter was exempt from publication in accordance with paragraph 3 of Schedule 12A to the Local Government Act 1972, as it contained information relating to the financial affairs of the Davenant Centre Company and the trustees of the Davenant Centre, and the Cabinet considered that the public interest in maintaining the exemption on the information outweighed the public interest in disclosing it.

3. Five Borough Olympic Legacy Multi Area Agreement (CAB 015/090) – Cabinet meeting 1st July 2009, agenda item 11.1

The Cabinet authorised the Corporate Director, Development and Renewal, after consultation with relevant Lead Members and officers, to negotiate and agree with the London Boroughs of Newham, Hackney, Greenwich and Waltham Forest the detailed content of the proposed 5 Borough Olympic Legacy Multi Area Agreement for submission to Central Government; and to report back to Cabinet on the final content of the Multi Area Agreement once approved by CLG.

The report was unavailable for public inspection within the timescales set out in the constitution because negotiations between the 5 Olympic Host Boroughs and Central Government over the principles and detailed content of the multi area agreement did not conclude until 24th June 2009. However with the government timetable for sign off being before the 21st July 2009 the only available Cabinet to provide authority for the London Borough of Tower Hamlets to participate within the Multi Area Agreement (MAA) was 1st July 2009.

The MAA would provide freedoms and flexibilities to the Olympic Host Boroughs which would enhance and support the delivery of services under the Great Place to Live and Prosperous Communities Community Plan themes. Therefore a decision in respect of the recommendations contained in the Five Borough Olympic Legacy Multi Area Agreement Report could not reasonably be deferred as deferral would prejudice the Council's and the public interests.

4. Authorisation of Decisions by Common Housing Register Partners to make allocation decisions under Part VI of the Housing Act 1996 (CAB 016/090) – Cabinet meeting 1st July 2009, agenda item 11.2

The Cabinet agreed to formally delegate the Authority's functions under Part 6 of the Housing Act 1996 to its Registered Social Landlord (RSL) partners under the Council's Common Housing Register (CHR). The report also sought Cabinet's approval for ratification of previous decisions taken by RSL partners on behalf of the Authority under the CHR. These measures were necessary to regularise the operation of the CHR and decisions taken in accordance with it.

The issues which were the subject of the report were first raised in a Judicial Review claim against the Authority on 20th May 2009. The Council investigated whether there had been any formal delegation to Registered Social Landlord partners and took advice. The recommendations in the report reflected the advice obtained and needed to be agreed before the Judicial Review claim was listed for further hearing on 3rd July 2009. Deferral would prejudice the Council's and the public interests and therefore consideration of the report was required as a matter of urgency.