

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE CABINET

HELD AT 5.40 P.M. ON WEDNESDAY, 7 MAY 2008

COMMITTEE ROOM, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**Members Present:**

Councillor Denise Jones (Chair)	(Leader of the Council)
Councillor Sirajul Islam (Vice-Chair)	(Deputy Leader of the Council)
Councillor Ohid Ahmed	(Lead Member, Regeneration, Localisation and Community Partnerships)
Councillor Abdul Asad	(Lead Member, Employment and Skills)
Councillor Shafiqul Haque	(Lead Member, Development)
Councillor Clair Hawkins	(Lead Member, Children's Services)
Councillor Shiria Khatun	(Lead Member, Culture)
Councillor Joshua Peck	(Lead Member, Resources and Performance)
Councillor Abdal Ullah	(Lead Member, Cleaner, Safer, Greener)
Councillor Motin Uz-Zaman	(Lead Member, Health and Wellbeing)

Other Councillors Present:

Councillor M. Shahid Ali	
Councillor Stephanie Eaton	(Leader Liberal Democrat Group and Scrutiny Lead Member: Health)
Councillor Marc Francis	(Chair of Overview and Scrutiny Committee)
Councillor Peter Golds	(Leader Conservative Group)
Councillor Waiseul Islam	
Councillor Oliur Rahman	(Leader of the Respect Unity Coalition Group)
Councillor David Snowdon	

Officers Present:

Isobel Cattermole	– (Service Head, Resources, Childrens' Services)
Margaret Cooper	– (Head of Transportation and Highways, Communities, Localities and Culture)
Paul Evans	– (Interim Corporate Director Development & Renewal)
Alan Finch	– (Service Head Corporate Finance, Resources)
Tony Finnegan	– (Communications Officer)
Isabella Freeman	– (Assistant Chief Executive [Legal Services] and

	Monitoring Officer)
John Goldup	– (Corporate Director, Adults Health and Wellbeing)
Stephen Halsey	– (Corporate Director, Communities, Localities & Culture)
Stephen Hartley	– Cabinet Executive Assistant, Democratic Services, Chief Executive's)
Fiona Heyland	– (Waste Services Group Manager, Environment and Culture)
Chris Holme	– (Service Head, Resources, Development and Renewal)
Michael Keating	– (Acting Assistant Chief Executive)
Shanara Matin	– (Scrutiny Policy Officer)
Maureen McEleney	– (Director of Housing Management)
Chris Naylor	– (Corporate Director, Resources)
Jackie Odunoye	– (Interim Service Head, Housing Strategy and Development, Development and Renewal)
Jen Pepper	– (Affordable Housing Programme Manager)
Colin Perrins	– (Head, Trading Standards and Environmental Health Commercial, Environment and Culture)
Emma Peters	– (Corporate Director, Development and Renewal)
Martin Smith	– (Chief Executive)
Owen Whalley	– (Service Head, Major Project Development, Development and Renewal)
John Williams	– (Service Head, Democratic Services)
Simmi Yesmin	– (Senior Committee Officer)

COUNCILLOR D. JONES (CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Mr Kevan Collins, Corporate Director Children's Services for whom Isobel Cattermole, Service Head Resources deputised.

Noted

2. DECLARATIONS OF INTEREST

Councillor J. Peck declared a personal and prejudicial interest in Agenda item 6.2(i) Any Unrestricted Decisions "Called in" by the Overview & Scrutiny Committee – "Disposal of Land 10 Backchurch Lane E1". The declaration of interest was made on the basis that the report contained recommendations relating to the site in which Gateway Housing Association, had an interest and Councillor Peck was a representative of the Authority on the governing body of Gateway Housing Association.

Councillor S. Khatun declared a personal interest in Agenda item 7.2 "Local Implementation Plan 2005-2011 Progress Report". The declaration of interest was made on the basis that the report made reference to Transport for London and Councillor Khatun was a member of the governing body of Transport for London (TfL) and an adviser to the Mayor of London in her capacity as a TfL Board member.

Councillor S. Khatun declared a personal interest in Agenda item 8.1 "Disposal of Coventry Cross Estate to Poplar HARCA". The declaration of interest was made on the basis that Councillor Khatun's spouse was currently employed by Poplar HARCA on a temporary basis.

Councillor M. Uz Zaman declared a personal and prejudicial interest in Agenda item 8.1 "Disposal of Coventry Cross Estate to Poplar HARCA". The declaration of interest was made on the basis that the report contained recommendations relating to Poplar HARCA and Councillor Uz Zaman was a representative of the Authority on the governing body of Poplar HARCA.

Councillor D. Jones declared a personal interest in Agenda item 9.1 "Conservation Area Selection Criteria, Areas which Match those Criteria and Public Consultation". The declaration of interest was made on the basis that the report contained recommendations relating to the Wilton Music Hall.

Councillor A. Asad declared a personal interest in Agenda item 9.2 "Whitechapel Centre". The declaration of interest was made on the basis that he had been lobbied by local residents.

Noted

3. UNRESTRICTED MINUTES

Resolved

That the unrestricted minutes of the ordinary meeting of the Cabinet held on 2nd April 2008 be approved and signed by the Chair, as a correct record of the proceedings.

4. DEPUTATIONS & PETITIONS

Nil Items.

5. AUDIT COMMISSION ANNUAL AUDIT AND INSPECTION LETTER 2006/2007 - PRESENTATION BY DISTRICT AUDITOR

Mr Kash Pandya, District Auditor, introduced the item by summarising the key points in the letter. It was noted that the Audit Commission's overall judgement was that the Council had been improving strongly and that the Council needed to build on its progress by addressing the key actions and areas of improvement arising from the audit inspection.

It was noted that Mr Pandya had come to the end of his five year term with Tower Hamlets Council and would be moving on to Hammersmith & Fulham Council and that Mr John Hayes would be taking on the role of District Auditor from the new municipal year. Members thanked Mr Pandya for his support and guidance over the years and wished him luck and success in his future career.

The Chair **Moved** and it was:-

Resolved

That the Annual Audit and Inspection Letter 2006/07, be noted and that all Councillors are to receive copies of the letter.

6. OVERVIEW & SCRUTINY COMMITTEE

6.1 Chair's advice of Key Issues or Questions in relation to Unrestricted Business to be considered

The Chair informed members of the Cabinet that Councillor Francis, Chair of the Overview and Scrutiny Committee, had **Tabled** a sheet of questions/ comments arising from the deliberations of the Overview and Scrutiny Committee, held on 6th May 2008, in respect of the unrestricted business contained in the agenda for consideration, a copy of which would be interleaved with the minutes.

Councillor Francis, Chair of the Overview and Scrutiny Committee:-

- Informed members of the Cabinet that the Overview and Scrutiny Committee had endorsed the conclusions and recommendations arising from four scrutiny reviews, undertaken in the current Municipal Year, in relation to:
 - Young People's Participation in Sports leading up to the Olympics
 - Tackling Anti-Social Behaviour
 - Evaluation of Neighbourhood Renewal Fund
 - Choice Based Lettings Schemeand thanked those who had contributed to the review.
- Informed members of the Cabinet that he had nothing to add to the questions/ comments raised by the Overview and Scrutiny Committee, as set out in the tabled paper regarding: -
 - Agenda Item 9.2 "Whitechapel Centre" (CAB 165/078)
 - Agenda Item 11.1 "Heron Quays West – Proposals to use Compulsory Purchase Powers to Aid Land Assembly & Development" (CAB 166/078)

Councillor Francis thanked Cabinet Members for working with the Overview and Scrutiny Committee, the Scrutiny Team and Mr Afazul Hoque, Scrutiny Policy Manager, for the quality of his work and his support and guidance over the year.

The Chair thanked Councillor Francis for presenting the contribution of the Overview and Scrutiny Committee; and then **Moved** and it was: -

Resolved

That the questions and comments of the Overview and Scrutiny Committee be noted, and that these be given consideration during the Cabinet deliberation of the items of business to which the questions and comments related.

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

6.2(i) Cabinet Decision "Called in" Disposal of Land 10 Backchurch Lane E1 (CAB 168/078)

Councillor J. Peck having declared a prejudicial interest in Agenda item 6.2(i) "Disposal of Land 10 Backchurch Lane E1", withdrew from the proceedings at 5.55pm.

The Chair informed members of the Cabinet that Councillor Francis, had **Tabled** a reference arising from the deliberations of the Overview and Scrutiny Committee, held on 6th May 2008, in respect of the provisional decision of the Cabinet, held on 2nd April 2008, made in relation to the Disposal of Land – 10 Backchurch Lane E1 (CAB 156/078), a copy of which would be interleaved with the minutes.

Councillor Francis, addressed members of the Cabinet in relation to the tabled reference of the Overview and Scrutiny Committee (CAB 168/078), and requests contained therein, highlighting focal points of the further deliberation of this matter by the Committee, including those set out below, and advised that the Committee resolved to refer the provisional decision of the Cabinet regarding this matter back to the Cabinet for further consideration:

- Concerns that the original decision to dispose in March 2004 had been taken without a competitive tendering process and that Cabinet was therefore not able to give due consideration to all options for the site.
- Concerns that existing tenants at 10 Backchurch Lane had not been invited to submit proposals for developing the site or alternative proposals for the regeneration of the land.

In conclusion, Councillor Francis on behalf of the Overview & Scrutiny Committee requested that the Cabinet defer consideration of the proposed alternative course of action until after the Annual Council meeting on 21st May in order that the whole issue of disposal can be considered.

Members raised concerns that neighbouring tenants had not been consulted on the proposed developments for the immediate area as the development would affect a number of local businesses and local residents who work in

those businesses. It was noted that legally there was no obligation to consult as the matter regarded disposal of land.

The Chair made a recommendation to put forward the consultation time of six months to three months. It was noted that at present the protocol of disposal was being discussed and there would be further consultation as part of the planning process.

It was noted that recommendations are to include Community Development Trusts as well as Registered Social Landlords (RSLs) to enable existing tenants to present alternative proposals for consideration. Subject to the above comments;

The Chair **Moved** and it was:-

Resolved

1. That the advice/comments of the Overview and Scrutiny Committee, as detailed in the Tabled Reference be noted; and
2. That the provisional decision of the Cabinet, made on 2nd April 2008, in relation to Disposal of Land 10 Backchurch Lane E1 (CAB 156/078) be reaffirmed subject to the following amendments; (full decision listed below)

Resolved

1. That the Corporate Director Development and Renewal explore, with Registered Social Landlords and Community Development Trusts currently operating in the Borough, their acquisition of the site 10 Backchurch Lane E1, on long leasehold terms, from the Authority;
2. That in working up development proposals, for the site at 10 Backchurch Lane E1, Registered Social Landlords and Community Development Trust:
 - (a) Endeavour to engage, at an early stage, with the current lessees of the above site in relation to the incorporation of workspace within the development scheme;
 - (b) Seek to incorporate environmental improvements within the development scheme.
3. That the Corporate Director Development and Renewal be instructed to report progress, in respect of Resolutions 1 and 2 above, to the Cabinet within three months.

Councillor J. Peck returned to the proceedings at 6.15pm following the conclusion of the Cabinet deliberations in respect of this item.

7. A BETTER PLACE FOR LIVING SAFELY

7.1 Procurement of Integrated Recycling Services Contract (CAB 159/078)

Mr Stephen Halsey, Corporate Director, Communities, Localities and Culture introduced the item and outlined the current recycling services for residents and businesses within the borough and the level of performance achieved. The report detailed the gap between the current performance and the required Government target and how that gap could be closed during 2008/2009 through the introduction of new services.

It was noted that the report formed one part of a four part plan which included the Integrated Recycling Plan, Recycling Improvement Plan 2008-2011, Compulsory Recycling Plan and the Waste Management Strategy.

The Chair **Moved** and it was:-

Resolved:

1. That the Corporate Director of Communities, Localities and Culture, after consultation with the Lead Member Cleaner, Safer, Greener, be authorised to award Lots 1, 3 and 4 of the Integrated Recycling Services Contract for the 2 year period 1st August 2008 to 31st July 2010 to Veolia Environmental Services, with the option to extend the same by up to 2 years subject to satisfactory performance reviews; and
2. That the Corporate Director of Communities, Localities and Culture, after consultation with the Lead Member Cleaner, Safer, Greener, be authorised to award Lot 2 of the Integrated Recycling Services Contract for the 2 year period 1st August 2008 to 31st July 2010 to Viridor Waste Management, with the option to extend the same by up to 2 years subject to satisfactory performance reviews.

7.2 Local Implementation Plan 2005-2011 Progress Report (CAB 160/078)

Ms Margaret Cooper, Head of Transportation & Highways, introduced the item and responded to requests for clarification/assurance in relation to 20 mph speed limit zones and the publicity in promotion of new changes.

The Chair **Moved** and it was:-

Resolved:

1. That the progress in securing funding for delivery of the fourth year of the Local Implementation Plan programme, as set out in Section 4 of the report (CAB/160/078), be noted;

2. That the schemes listed in Table 2 within paragraph 7.1 of the report (CAB 160/078) be approved for inclusion in the LIP bid for funding from Transport for London in 2009/10, to be submitted by June 13th 2008;
3. That the schemes to be submitted as bids to the Olympic Park Transport and Environmental Management Strategy, set out within paragraph 6.3 of the report (CAB 160/078) for funding between 2008 and 2014 to ameliorate the traffic impact of Olympics construction, Games and legacy transformation stages, be approved; and
4. That the anticipated timetable for review of the Mayor of London's Transport Strategy along with the requirement to produce a second Local Implementation Plan (for Transport) in the near future, be noted.

7.3 Mail Forwarding Businesses Registration (CAB 161/078)

The Chair **Moved** and it was:-

Resolved:

1. That it be endorsed and that Council be recommended to agree that the Mail Forwarding Registration functions under section 75 of the London Local Authorities Act 2007 come into force in the London Borough of Tower Hamlets on the appointed day of 25th August 2008;
2. That subject to the setting of the appointed day, referred to in resolution 1 above:
 - (i) That the Corporate Director Communities, Localities and Culture be authorised to undertake the functions set out in Section 75 of the London Local Authorities Act 2007, relating to mail forwarding registration, on behalf of the Authority; and
 - (ii) That the Corporate Director Communities, Localities and Culture be authorised to set the fee for mail forwarding registration at £92 with the fee for new applications to rise annually in line with the Retail Price Index.

7.4 Five Borough Agreement For The Provision Of Building Control Services To The Olympic Delivery Authority For Olympic Building Regulation Applications (CAB 162/078)

The Chair **Moved** and it was:-

Resolved:

1. That the principles set out in the Inter Authority Agreement for the delivery of building control services to the Olympic Delivery Authority attached at Appendix A to the report (CAB 162/078), be noted;
2. That the Interim Corporate Director of Development and Renewal be authorised to conclude negotiation of the Inter Authority Agreement, following consultation with the Assistant Chief Executive (Legal Services); and
3. That the Assistant Chief Executive (Legal Services) be authorised to sign the Inter Authority Agreement upon completion of the negotiations, referred to in resolution 2 above, to the satisfaction of the Interim Corporate Director of Development and Renewal after consultation with the Lead Member for Development.

8. A BETTER PLACE FOR LIVING WELL

8.1 Disposal of Coventry Cross Estate to Poplar HARCA (CAB 163/078)

Councillor M. Uz-Zaman having declared a prejudicial interest in Agenda item 8.1 "Disposal of Coventry Cross Estate to Poplar HARCA", withdrew from the proceedings at 6.30pm.

Ms Maureen McEleney, Director Housing Management introduced the item which set out the proposed terms for the transfer of Coventry Cross Estate to Poplar HARCA.

The Chair **Moved** and it was:-

Resolved:

1. That, subject to the appropriate consents to dispose of the Coventry Cross Estate to Poplar HARCA being sought and granted by the First Secretary of State ("the Secretary of State") and the Housing Corporation:
 - (a) The disposal of land on the Coventry Cross Estate within the boundaries identified on the appended plans at nil value be agreed subject to any further negotiation with the Communities and Local Government (CLG) and Poplar HARCA on the terms set out in Sections 4, 5, 6 and 7 of the report (CAB 163/078);
 - (b) That the approach to the preserving of valuable open space, as set out in Section 8 of the report (CAB 163/078), be noted;
 - (c) That the arrangements for retained rights of way as set out in paragraph 9 of the report (CAB 163/078), be noted

2. That it be noted that the resolutions set out above and discussed in the body of the report (CAB 163/078) are yet to be fully agreed by Poplar HARCA; and
3. That the Interim Corporate Director of Development & Renewal be authorised after consultation with the Corporate Director of Resources and appropriate Lead Member to negotiate the precise terms and any outstanding issues relating to the disposal of the Coventry Cross Estate to Poplar HARCA as a consequence of resolution 2 above.

Councillor M. Uz-Zaman returned to the proceedings at 6.34pm following the conclusion of the Cabinet deliberations in respect of this item.

9. A BETTER PLACE FOR CREATING AND SHARING PROSPERITY

9.1 Conservation Area Selection Criteria, Areas which Match those Criteria and Public Consultation (CAB 164/078)

Mr Owen Whalley, Service Head Major Project Development introduced the item and explained the consultation process for the proposed new conservation areas.

The Chair **Moved** and it was:-

Resolved:

1. That the draft criteria set out in Section 4 of the report (CAB 164/078) for the selection and designation of Conservation Areas, be agreed;
2. That the draft boundaries for the proposed new Conservation Area designations attached at Appendix 1 of the report (CAB 164/078) and draft boundary alterations for existing Conservation Areas attached at Appendix 2, be agreed;
3. That the draft criteria and draft designations, respectively referred to in resolutions 1 and 2 above, be approved for submission to wide public consultation, the results of which will be reported back to Cabinet together with final proposals for new Conservation Areas and alterations to existing Conservation Area boundaries for Cabinet consideration.

9.2 Whitechapel Centre (CAB 165/078)

Mr Chris Holme, Service Head Resources, at the request of the Chair, in introducing the report addressed the matters raised by the Overview and

Scrutiny Committee, held on 6th May 2008, in relation to the report; as set out in the tabled sheet of questions and comments presented by the Chair of the Overview and Scrutiny Committee earlier in the proceedings.

Cabinet noted that the Community Trust were keen to have at least one councillor on the Management Committee.

Cabinet further considered that the independent representative on the Management Committee should be drawn from the categories listed on paragraph 5.5 of the report including the Business, Voluntary or Community Sectors or Tenants and Residents Associations; and should seek to promote local ward representation. In addition the LAP Director or Chair may represent the Tower Hamlets Partnerships.

The Cabinet agreed the recommendation with amendments as follows (full decisions below);

The Chair **Moved** and it was:-

Resolved:

1. That the successful outcome of the Authority's £1 million funding application to the Big Lottery's Community Assets Programme in respect of the Whitechapel Centre and the current position with regard to European Regional Development funding (ERDF), as outlined in paragraphs 4.1 to 4.3 of the report (CAB 165/078), be noted;
2. That a capital estimate of £1.44 million be adopted for refurbishment and reconfiguration of the Whitechapel Centre, to enable progression of the scheme, as outlined in Section 4 of the report (CAB 165/078); and
3. That the Corporate Director, Development and Renewal be authorised, after consultation with the Lead Member Resources and Performance, and the three Ward Councillors to agree the independent members of the Whitechapel Centre management committee as set out in paragraphs 5.5 and 5.6 of the report (CAB 165/078).

10. A BETTER PLACE FOR LEARNING, ACHIEVEMENT AND LEISURE

Nil Items.

11. A BETTER PLACE FOR EXCELLENT PUBLIC SERVICES

11.1 Heron Quays West - Proposal to use Compulsory Purchase Powers to Aid Land Assembly and Development (CAB 166/078)

The Chair informed members of the Cabinet of the special circumstances and reasons for urgency associated with the report:

- The report was unavailable for public inspection within the standard timescales set out in the Authority's Constitution, because of the continuation of legal negotiations between the parties which it had been anticipated would be completed in time for publication of the agenda for this meeting of the Cabinet.
- Chief officers recommend that a cabinet decision in respect of granting authority for compulsory purchase is taken at the earliest opportunity to ensure that the land necessary for the regeneration of Heron Quays is made available for the reasons set out in the report.

Ms Emma Peters, Former Corporate Director Development & Renewal at the request of the Chair, in introducing the report addressed the matters raised by the Overview and Scrutiny Committee, held on 6th May 2008, in relation to the report; as set out in the tabled sheet of questions and comments presented by the Chair of the Overview and Scrutiny Committee earlier in the proceedings.

The Chair **Moved** and it was:-

Resolved:

1. That authorisation be given to the making of a compulsory purchase order under section 226(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 in respect of the area shown edged red on the plan at Appendix A for the purpose of securing the development of land at Heron Quays West identified in the Plan attached at Appendix A1 conditional upon:
 - (a) the prior entering into of a full indemnity agreement with the developer to pay all the Council's costs and liabilities of making the order; and
 - (b) the prior entering into of an agreement for lease in respect of a new training and enterprise;
2. The Interim Corporate Director of Development and Renewal (after consultation with the Lead Member Resources and Performance, the Assistant Chief Executive (Legal Services) and the Corporate Director of Resources) be authorised to finalise, enter into and seal the compulsory purchase order and all documents associated therewith.

12. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

13. UNRESTRICTED REPORTS FOR INFORMATION

13.1 Exercise of Corporate Director Discretions (CAB 167/078)

The Chair **Moved** and it was:-

Resolved

That the exercise of Corporate Directors' discretions, as set out in Appendix 1 to the report (CAB 167/078), be noted.

14. EXCLUSION OF THE PRESS AND PUBLIC

The Chair **Moved** and it was:-

Resolved

That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government, Act 1972.

15. EXEMPT / CONFIDENTIAL MINUTES**Resolved**

That the exempt minutes of the ordinary meeting of the Cabinet held on 2nd April 2008 be approved and signed by the Chair, as a correct record of the proceedings.

16. OVERVIEW & SCRUTINY COMMITTEE**16.1 Chair's advice of Key Issues or Questions in relation to Exempt / Confidential Business to be considered.**

Nil Items.

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

Nil Items.

17. A BETTER PLACE FOR LIVING SAFELY

Nil Items.

18. A BETTER PLACE FOR LIVING WELL

Nil Items.

19. A BETTER PLACE FOR CREATING AND SHARING PROSPERITY

Nil Items.

20. A BETTER PLACE FOR LEARNING, ACHIEVEMENT AND LEISURE

Nil Items.

21. A BETTER PLACE FOR EXCELLENT PUBLIC SERVICES

Nil Items.

22. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS CONSIDERED TO BE URGENT

Nil Items.

23. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION

Nil Items.

At the close of the meeting the Chair extended her thanks to the Members and officers for all their support and hard work over the year. Councillor S. Islam, Deputy Leader of the Council, on behalf of the Cabinet Members thanked the Chair for her leadership, guidance and support over the past years.

The meeting ended at 7.00 p.m.

Chair, Councillor Denise Jones
Cabinet