

**Executive Decision  
Individual Decision Notice**



**Decision Maker: Mayor's Executive Decision Making, Not before 14th Jun 18**

**Classification:**  
Part Exempt

**Commercial Lease Guarantee - Tower Hamlets Homes**

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – notice is hereby given that an Executive Key Decision is required to be taken under General Exception Urgency provisions as it is not possible to provide at least 28 clear days' notice of the decision but it is possible to give at least 5 clear days' notice of the decision.

As required under the above regulations, the Chair of the Overview and Scrutiny Committee will be notified of the above decision being taken under the General Exception Provision.

This notification will be published as soon as possible before the decision is taken, stating why the decision must be taken urgently.

**Reason why it is impractical to provide 28 clear days' notice of the decision:**

Terms have been agreed for a sublease of the premises to THH. The Council is requested by THH to be a party to the documents, as well as acting as guarantor for Tower Hamlets Homes. Fit out works have been undertaken by THH in anticipation of the legal documents being completed and THH staff are ready to move.

All parties involved require the agreement for lease and ancillary documents to be completed before the end of June. Failure to do so is likely to pose a significant risk and seriously prejudice the public's interest on the basis that:

1. The landlord would likely re-negotiate the terms of the lease. This is because, currently, the landlord is required to serve written notice by 30 June 2018 to trigger the break in March 2019. If the agreement for lease has not completed by the end of June, the landlord won't be able to serve the break notice and – in order to protect his position to secure vacant position by March 2019 – would likely seek to renegotiate the terms. It is not possible to say what those new terms might look like.
2. Any further delay will have implications for the office move and staff's ability to operate effectively.

It is therefore impractical to provide 28 clear days' notice of the decision if the transaction is to complete by the end of June 2018.

Additionally, it is recommended that the decision be exempt from call-in on the basis that the delay caused by the call-in process would jeopardise the transaction and, in turn, the funds invested by THH and the savings to be generated through the deal. This would seriously prejudice the public's interests.

**Signature:**

Richard Chilcott

**Date:**

6 June 2018

**Comments of the Chair of the Overview and Scrutiny Committee relating to the impracticality of providing 28 clear days' notice of the decision:**

[For the reasons given above, I agree that it would be impractical to provide 28 clear days' notice for the decision.]

**Comments of the Chair of the Overview and Scrutiny Committee relating to his/her agreement to this decision being treated as a matter of urgency:**

[For the reasons given above, I agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and therefore exempt from call in, as any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests.]

**Signature:**

Councillor Abdal Ullah

**Date:**

6 June 2018

**Further details of the decision to be taken:**

<b>Key Decision? Yes</b>	<b>Ward(s)</b> All Wards
<b>Summary of Decision</b>	<p>The decision is requesting that the Mayor:</p> <ul style="list-style-type: none"> <li>a) Agree that the Council may act as Guarantor under the commercial lease for office accommodation in favour of Tower Hamlets Homes Limited; and</li> <li>b) Delegate to the Chief Executive, following consultation with the Corporate Director, Place and the Corporate Director of Governance and Monitoring Officer, the authority to enter into the Sub-lease and any other documents (including Agreement for Lease, Licence to Underlet, Licence to Occupy and Licence to Alter) necessary to give effect to the above decision.</li> </ul>
<b>Community Plan Theme</b>	<b>Creating and maintaining a vibrant, successful place</b>

<b>Cabinet Member</b>	Councillor Sirajul Islam Cllr.Sirajul.Islam@towerhamlets.gov.uk
Who will be consulted before decision is made and how will this consultation take place	Consultation has taken place with the Mayor, Cabinet Members for Housing and Resources and the Chair of the Overview and Scrutiny Committee.  Internal Consultation has taken place.
Has an Equality Impact Assessment been carried out and if so the result of this Assessment?	N/A
Contact details for comments or additional information	Richard Chilcott (Acting Divisional Director, Property and Major Programmes) richard.chilcott@towerhamlets.gov.uk
What supporting documents or other information will be available?	N/A
Is there an intention to consider this report in private session and if so why (Paragraph number – see notes section)?	Yes, in accordance with paragraph 3 of Schedule 12A of the Local Government Act 1972.  Partly Exempt (Part of the report will be exempt)  An appendix to the report will contain commercial information in relation to the proposal.  The premature publication of this information could prejudice Tower Hamlets Homes and the Council in securing the premises on the negotiated terms, which remains subject to contract. In the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing it.

## NOTES

### Advance notice of Key Decisions

Key decisions are all those decisions which involve major spending, or savings, or which have a significant impact on the local community. The precise definition of a key decision adopted by Tower Hamlets is contained in Article 13.03 of the [Constitution](#). Key Decisions are taken by the Mayor, or the Mayor in Cabinet.

Individual notices of new Key Decisions will be published on the website as they are known, whilst a Forward Plan collating these decisions will be published 28 days before each Cabinet meeting. The Forward Plan will be published on the Council's website and will also be available to view at the Town Hall and

Libraries, Ideas Centres and One Stop Shops if required. [The Committee pages](#) on the Council website include copies of the Forward Plan, Cabinet and other meeting dates and the publication dates of the Forward Plan.

If, due to reasons of urgency, a Key Decision has to be taken where 28 days' notice have not been given. Notice will be published (including on the website) as early as possible and Urgency Procedures as set out in the Constitution will have to be followed.

The most effective way for the public to make their views known about the issues listed in the Forward Plan is to examine the consultation column of the Forward Plan, and/or contact the report author or Cabinet Lead Member as soon as possible, and no later than 10 working days before the decision is expected to be taken.

Reports, appendices and background papers will be available on the Council's website 5 clear working days before the Cabinet meeting. For all other information or to submit documents in relation to any issue, please contact the relevant officer.

#### **Notice of Intention to Conduct Business in Private**

**The Council is also required to give at least 28 days' notice if it wishes to consider any of the reports on the agenda of an Executive meeting (such as Cabinet) in private session. The last row of each item below will indicate any proposal to consider that item in private session. Should you wish to make any representations in relation to an item being considered in private please contact Democratic Services on the contact details listed below. Note that this applies to Cabinet but not to Individual Mayoral Decisions outside of Cabinet.**

The notice may reference a paragraph of Section 12A of the 1972 Local Government Act. In summary those paragraphs refer to the following types of exempt information (more information is available in the Constitution):

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority handling the information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-
  - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

#### **Democratic Services Contact Details:**

Contact            Matthew Mannion  
Officer:            Democratic Services  
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