

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.09 P.M. ON WEDNESDAY, 30 OCTOBER 2019

**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 Rachel Blake	(Deputy Mayor and Cabinet Member for Planning, Air Quality and Tackling Poverty)
Councillor Asma Begum	(Deputy Mayor and Cabinet Member for Community Safety and Equalities)
Councillor Sabina Akhtar	(Cabinet Member for Culture, Arts and Brexit)
Councillor Amina Ali	(Cabinet Member for Adults, Health and Wellbeing)
Councillor David Edgar	(Cabinet Member for Environment)
Councillor Danny Hassell	(Cabinet Member for Children, Schools and Young People)
Councillor Candida Ronald	(Cabinet Member for Resources and the Voluntary Sector)
Councillor Motin Uz-Zaman	(Cabinet Member for Work and Economic Growth)

Other Councillors Present:

Councillor Peter Golds	
Councillor James King	
Councillor Andrew Wood	(Leader of the Conservative Group)

Others Present:

Christabel Shawcross	(Safeguarding Adults Board Chair LBTH)
Tracy Smith	CEO Tower Hamlets Education Partnership
Robert Crothers	(Chair of Tower Hamlets Education Partnership)

Officers Present:

Mohammed Ahad	(Community Programmes Officer, Third Sector Team)
Kevin Bartle	Divisional Director of Finance, Procurement and Audit
Adam Boey	(Senior Strategy & Policy Manager - Corporate)
Stephen Bramah	(Deputy Head of the Mayor's office)
Terry Bryan	(Head of Pupil Services and School Sufficiency)
David Courcoux	(Head of the Mayor's Office)
Lucy Fordham	Senior Communications Officer
David Freeman	(Voluntary and Community Sector (VCS) Strategy Manager)

Sharon Godman	(Divisional Director, Strategy, Policy and Performance)
Asmat Hussain	(Corporate Director, Governance and Monitoring Officer)
Debbie Jones	(Corporate Director, Children and Culture)
Christine McInnes	(Divisional Director, Education and Partnership, Children's)
Denise Radley	(Corporate Director, Health, Adults & Community)
Ann Sutcliffe	(Corporate Director, Place)
David Tolley	(Head of Environmental Health and Trading Standards)
Will Tuckley	(Chief Executive)
Sarah Williams	(Legal Services, Governance)
Matthew Mannion	(Head of Democratic Services, Governance)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Neville Murton (Corporate Director, Resources) who was deputised by Kevin Bartle (Divisional Director, Finance, Procurement and Audit).

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of Disclosable Pecuniary Interests.

3. UNRESTRICTED MINUTES

DECISION

1. That the unrestricted minutes of the Cabinet meeting held on Wednesday 25 September 2019 be approved and signed by the Chair as a correct record of proceedings.

4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR

See the minutes.

5. OVERVIEW & SCRUTINY COMMITTEE

5.1 Chair's Advice of Key Issues or Questions

Pre-Decision Scrutiny Questions, and officer responses, were tabled in respect of the following reports:

- 6.2 Report on the outcome of the public consultation on the closure of Raine's School and the expansion of Oaklands School
- 6.5 Safeguarding Adults Board Annual Report 2018-19
- 6.7 Liveable Streets Programme
- 6.8 Local Community Fund
- 6.11 Nominations to Outside Bodies

These were considered during discussion of the relevant items.

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

Nil items.

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 Planning for School Places 2019 /20 Review and Recommendations

DECISION

1. To note the position on the current and projected demand for school places;
2. To agree the plans put forward in paragraph 3.12 of the report to rationalise the primary school provision in areas of surplus,
3. To note the progress made in relation to:
 - The development of a new primary school at Wood Wharf on the Isle of Dogs.
 - The development and the arrangements for the appointment of the school provider for the new secondary school at London Dock;
 - The development of a secondary provision at Westferry Printworks on the Isle of Dogs and the options for determining the school to occupy this new site;
 - The progress on the expansion of Phoenix Special School on the site of the former Bow Boys Secondary School at Paton Close, E3 and the planned enlargement of Beatrice Tate Special School.
 - The plans and options for future school developments to meet the anticipated need for additional places.
4. To agree the recommendation not to proceed with plans for a new 2FE primary school at the site of Alpha Square.
5. To note that this report sets out the Council's plan to exercise its Education functions, not its functions as a Local Planning Authority (LPA). It aligns

with the LPA stance at the Local Plan Examination in Public, particularly on the plan to retain the majority of the current allocation of school sites.

6. To note the specific equalities considerations as set out in section 5 of the report.

Action by:

CORPORATE DIRECTOR, CHILDREN AND CULTURE (D. JONES)

(Service Head Pupil Services and School Sufficiency (T. Bryan))

Reasons for the decision

The council has a statutory duty to provide and plan for sufficient, high quality and appropriate schools, which are accessible to all children in the local community and are available when they are needed.

Proposals to provide school places often require long-term planning to implement (e.g. opening a new school). Evidence about the projected need for places must therefore be reviewed regularly so that decisions can be made in time.

Alternative options

In cases where the council is not able to ensure new schools are established when needed, short-term measures to provide additional places in the form of bulge classes at existing schools or expansions into temporary buildings may be required. Although these measures will address capacity issues in the short-term, they do not provide best value and are not viewed as a sustainable approach to meeting an increased demand for school places.

6.2 Report on the outcome of the public consultation on the closure of Raine's School and the expansion of Oaklands School

Pre-Decision Scrutiny Questions, and Officer responses, were noted.

The exempt appendix was noted.

DECISION

1. To note the outcomes of the informal stage of consultation and Equality Impact Analysis.
2. To agree to publish a Statutory Notice and Proposal for the closure of Raine's Foundation Trust School;
3. Agree to proceed to the next stage of the statutory consultation by publishing the Notice in order to initiate the Statutory Representation Period to run from 4th November to 2nd December 2019.
4. To note that further proposals are being developed with respect to the potential expansion of Oaklands School.

Action by:

CORPORATE DIRECTOR, CHILDREN AND CULTURE (D. JONES)

(Service Head, Pupil Services and School Sufficiency (T. Bryan)

Reasons for the decision

The recommendations are made in order to determine the Council's response to the consultation on proposals to close Raine's School and expand Oaklands School.

Prior to determination of the initial proposals a number of alternatives were explored to support a sustainable future for Raine's School. These were discussed in detail with the London Diocesan Board and Interim Executive Board for Raine's School in meetings on 16th and 30th November 2018. Unfortunately none were found to be viable. These alternatives together with explanations of why they could not be pursued are set out in Appendix 5 to the report.

It is therefore recommended that the procedure of publishing a statutory proposal in respect of the closure of Raine's School should be progressed.

Further proposals are being developed in respect of expansion of Oaklands School. Dependant on the pathway proposed, a further report will be presented for consideration by the Mayor in Cabinet to ensure that the required statutory process is followed.

Alternative options

Cabinet could decide not to proceed to the next stage of the statutory consultation. In which case the LA would not be able to proceed with the

closure proposal for Raine's School. The Council would then have to decide on how the School's increasing budget deficit would be funded beyond the 2019/20 school year, given that it is not financially viable at its current size and is most unlikely to see a sufficient increase in its pupil numbers for the situation to change in the foreseeable future.

Cabinet could decide to delay its decision on proceeding to the next stage of the statutory consultation, but this would mean that the School's financial position would be very likely to worsen, further impacting on the quality of education for its current pupils and leaving an even bigger budget deficit, should the school close later than the proposed date of August 2020. Officers are convinced that it would not be possible for Raine's School to provide pupils with a rounded education that meets their academic, social and emotional needs and, consequently, any delay would not be in the best interests of educational provision in the area.

Cabinet could seek to make provision for the displaced Raine's pupils in a number of other schools across the Tower Hamlets area, where there is capacity to do so, rather than the further proposals continuing to be developed to expand Oaklands. This would mean that Oaklands School will not be expanded in connection with the current proposal, but it would mean some children in the Bethnal Green area having to travel greater distances to alternative schools.

6.3 Tower Hamlets Brexit Preparations Update

This item was withdrawn.

6.4 Safeguarding Children Board Annual Report 2018-19

DECISION

1. To note content of the LSCB Annual Report 2018-19
2. To note the specific equalities considerations as set out in paragraph 4.1 of the report.

Action by:

CORPORATE DIRECTOR, CHILDREN AND CULTURE (D. JONES)

(Safeguarding Children Strategy and Governance Manager (M. Bakht))

Reasons for the decision

The Local Safeguarding Children Board (LSCB) is required to publish an annual report on the effectiveness of safeguarding and promoting the welfare of children in its locality. The LSCB annual report, which fulfils this responsibility, is appended to the cover report.

The content of the Annual Report has been developed and agreed by the Tower Hamlets Local Safeguarding Children Board partners.

Alternative options

There are no alternative options. It is a statutory requirement for the LSCB to report to the leader of the council (Mayor) along with the Chief Executive, the Borough Commander, the Crime and Policing Commissioner and Chair of the Health and Wellbeing Board on an annual basis. Although the content and format of the Annual Report can be revised in line with feedback.

6.5 Safeguarding Adults Board Annual Report 2018-19

Pre-Decision Scrutiny Questions, and Officer responses, were noted.

DECISION

1. To endorse the Safeguarding Adults Board Annual Report 2018-19.

Action by:

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

(Adults Safeguarding Governance and Strategy Manager (S. Ahmed))

Reasons for the decision

It is a statutory requirement to publish a Safeguarding Adults Board annual report. 2014 Care Act statutory guidance states that one of the three core duties of a Safeguarding Adults Board is:

“It must publish an annual report detailing what the SAB has done during the year to achieve its main objective and implement its strategic plan, and what each member has done to implement the strategy as well as detailing the findings of any safeguarding adults reviews and subsequent action ”.

The content of the Annual Report has been developed and agreed by the executive members of the Tower Hamlets Safeguarding Adults Board. It is due to be presented at the Safeguarding Adults Board on the 12th of September 2019.

Alternative options

The content and format of the Safeguarding Annual Report can be revised in line with feedback.

6.6 Tower Hamlets Education Partnership Financial Statements and Annual Review 2018-19**DECISION**

1. To note the activity of THEP as summarised in the THEP Annual Review 2018-19.
2. To accept the audited accounts as contained within the THEP Annual Report and Financial Statements for the year ending 31 March 2019.
3. To endorse the role of THEP in delivering Council priorities.

Action by:**CORPORATE DIRECTOR, CHILDREN AND CULTURE (D. JONES)**

(Divisional Director, Education and Partnerships (C. McInnes)

(THEP Executive Director (T. Smith)

Reasons for the decision

For the purposes of The School Companies Regulations 2002, THEP is a school company and, pursuant to the Regulations, has designated LBTH as its supervising authority. Pursuant to regulation 28 (as amended) THEP has provided the supervising authority with a copy of its most recent audited accounts and, pursuant to regulation 29, a copy of its most recent annual report to THEP members.

These documents assist the Council in carrying out its duties as the supervising authority, pursuant to regulation 26, to monitor the management and finances of THEP

Alternative options

None.

6.7 Liveable Streets programme report

Pre-Decision Scrutiny Questions, and Officer responses, were noted.

DECISION

1. To note the details of the Liveable Streets programme;
2. To note the governance and decision-making process for the individual scheme approval.

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

(Divisional Director, Public Realm (D. Jones)

Reasons for the decision

This project will make fundamental changes to infrastructure on the street as well as the travel behaviour of residents, businesses and visitors to Tower

Hamlets. This scale of change is not easy to deliver and it is important to ensure the correct governance structure and procedures are put in place to allow the open design of the programme. It is important to recognise the time involved in delivering these schemes to maximum effect.

The Liveable Streets Programme will help to achieve and deliver Priority 2 of the Strategic Plan 2019-22: A borough that our residents are proud of and love to live in. The programme will also align with and help deliver other key strategic policies, programmes and campaigns. Such as, the Air Quality Action Plan, Schools Streets programme, Breathe Clean campaign and the Tower Hamlets Transport Strategy.

The papers and procedures outlined in the papers will help to develop and deliver the 17 areas for improvements under the Love Your Neighbourhood: Liveable Streets programme to ensure that there are clear objectives, processes and governance in place for the senior management team and relevant members to follow and make decisions.

Alternative options

As individual schemes within the programme are progressed, several options will be developed and considered. An extensive engagement and consultation process is part of the programme which will ensure alternative options for each scheme are considered with key stakeholders.

6.8 Local Community Fund

Pre-Decision Scrutiny Questions, and Officer responses, were noted.

DECISION

1. To note the progress relating to the transitional arrangements and equality mitigation actions for services whose current MSG funding came to an end on 30 September 2019 as set out in the report and appendices to the report.

Action by:

DIVISIONAL DIRECTOR, STRATEGY, POLICY AND PERFORMANCE (S. GODMAN)

(VCS Strategy Manager (D. Freeman))

Reasons for the decision

The Mayor in Cabinet agreed on 31st July to a programme of funding for voluntary and community sector (VCS) organisations from 1st October 2019, a number of transitional arrangements for organisations currently funded under MSG that will not be funded under the LCF and an action plan to mitigate the impact of the change in funding from MSG to LCF on people with protected equalities characteristics.

This report provides an update on progress in implementing the transition programme and equality mitigation actions.

Alternative options

The council could decide to close the current MSG programme without implementing any action to mitigate the impact of closure on people with protected equality characteristics. However, this option could leave the council in breach of its duties under the Equality Act 2010 for failing to implement mitigation for negative impact on people with protected equality characteristics identified in the Equality Analysis relating to the change from MSG to the LCF in funding services provided by VCS organisations.

6.9 Response to Overview and Scrutiny Committee's recommendations on Safety, Aspiration and Inclusion (2019 Trilogy Report)**DECISION**

1. To note the Overview and Scrutiny Committee's (OSC) June 2019 report recommendations on community safety, educational aspirations and employment aspirations at Appendix 2 to the report;
2. To note the recommended Cabinet response to the OSC's June 2019 report at Appendix 1 to the report; and
3. To support officers' reporting of progress to OSC by June 2020.

Action by:

CORPORATE DIRECTOR, HEALTH, ADULTS AND COMMUNITY (D. RADLEY)
CORPORATE DIRECTOR, CHILDREN AND CULTURE (D. JONES)
CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

Reasons for the decision

The Council's constitution requires the Executive to respond to recommendations from the OSC.

The attached report is the Executive's response to the recommendations arising from the Challenge Session recommendations.

Alternative options

To take no action, or not to agree the action plan is not recommended as the report outlines work undertaken by Councillors, officers and external partners to identify areas of improvement and the Council's response which identifies actions it will take to respond to these scrutiny recommendations.

6.10 Gambling Policy 2019- 2022

DECISION

1. To recommend to Full Council the adoption of the revised Gambling Policy.

Action by:

CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

(Head of Environmental Health and Trading Standards (D. Tolley)

Reasons for the decision

All relevant local authorities are required under the Gambling Act to review their gambling policy.

The purpose of the policy is to define how the responsibilities under the Act are going to be exercised and administered.

A statutory consultation process must take place prior to the adoption of the revised Gambling Policy by Full Council.

Alternative options

Pursuant to the Gambling Act 2005, the Council is a responsible authority for the licensing of premises used for gambling. If the Council did not have a policy it would be acting ultra vires with regards to any decisions it makes determining gambling premises licences.

The Gambling Commission has laid down guidance which the Council must have regards to in carrying out their functions under the Act, including setting their Gambling Policy. Departure from the guidance without good reason could leave the council at risk of judicial challenge. The Gambling Commission guidance has been followed in drafting the revised Gambling Policy. The policy focuses on the elements covered by the licensing objectives.

6.11 Nomination to Outside Bodies

Pre-Decision Scrutiny Questions, and Officer responses, were noted.

DECISION

1. To agree the nominations to outside bodies as shown in Paragraph 3.3 of the report.

Action by:

CORPORATE DIRECTOR, GOVERNANCE AND MONITORING OFFICER (A. HUSSAIN)

(Senior Committee Services Officer (J. West)

Reasons for the decision

Having representatives on outside bodies increases the Council's engagement with the local community and improves its potential to offer leadership and guidance in relation to activities taking place in the borough.

Alternative options

The Mayor could decide not to make appointments to outside bodies at all. However, this is not recommended as it would reduce the Council's opportunity to be involved in and to support good work within the community and it would also reduce the Council's leadership opportunities. There are also a number of bodies where the Council is required or expected to provide a representative.

7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

8. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

9. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

10. OVERVIEW & SCRUTINY COMMITTEE**10.1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business**

Nil items.

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

Nil items.

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

Nil items.

The meeting ended at 7.25 p.m.

Mayor John Biggs