

**LONDON BOROUGH OF TOWER HAMLETS**

**RECORD OF THE DECISIONS OF THE CABINET**

**HELD AT 5.31 P.M. ON WEDNESDAY, 28 APRIL 2021**

**ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)**

**Members Present:**

Mayor John Biggs	
Councillor Sirajul Islam	(Statutory Deputy Mayor for Community Safety, Faith and Equalities )
Councillor Rachel Blake	(Deputy Mayor and Cabinet Member for Adults, Health and Wellbeing)
Councillor Sabina Akhtar	(Cabinet Member for Culture, Arts and Brexit)
Councillor Danny Hassell	(Cabinet Member for Housing)
Councillor Candida Ronald	(Cabinet Member for Resources and the Voluntary Sector)
Councillor Motin Uz-Zaman	(Cabinet Member for Work and Economic Growth)
Councillor Mufeedah Bustin	Cabinet Member for Planning and Social Inclusion (Job Share) - Lead on Social Inclusion
Councillor Asma Islam	Cabinet Member for Environment and Public Realm (Job Share) - Lead on Environment
Councillor Eve McQuillan	Cabinet Member for Planning and Social Inclusion (Job Share) - Lead on Planning
Councillor Dan Tomlinson	Cabinet Member for Environment and Public Realm (Job Share) - Lead on Public Realm

**Other Councillors Present:**

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

**Officers Present:**

Dr Somen Banerjee	(Director of Public Health)
Adam Boey	(Senior Strategy & Policy Manager - Corporate)
Ann Corbett	(Divisional Director, Community Safety)
David Courcoux	(Head of the Mayor's Office)
Janet Fasan	(Director of Legal & Monitoring Officer)
Hitesh Jolapara	(Interim Divisional Director, Finance, Procurement & Audit)
Pauline Maddison	(Interim Director, Education and Partnerships)
Calvin McLean	Head of Neighbourhood (Operations)
Ann Sutcliffe	(Corporate Director, Place)
James Thomas	(Corporate Director, Children and Culture)
David Tolley	(Head of Environmental Health and Trading Standards)
Will Tuckley	(Chief Executive)

Matthew Mannion

(Head of Democratic Services, Governance)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of:

- Councillor Asma Begum, Deputy Mayor and Cabinet Member for Children, Youth Services and Education.
- Kevin Bartle, Interim Corporate Director, Resources for whom Hitesh Jolapara, Interim Director of Finance was deputising.
- Denise Radley, Corporate Director, Health, Adults and Community for whom Somen Banerjee, Director of Public Health was deputising.
- Sharon Godman, Director of Strategy, Policy and Performance.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

Councillors Asma Islam and Motin Uz-Zaman declared pecuniary interests in relation to Agenda Item 6.3 (Future of the Private Rented Sector Housing Selective Licensing Designation) due to owning properties which they rented out near the boundary of the scheme. They left the meeting for the duration of that item.

**3. UNRESTRICTED MINUTES****DECISION**

1. That the unrestricted minutes of the Cabinet meeting held on 24 March 2021 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 Agenda Items:

- 6.1 – Strategic Plan 2021-24
- 6.2 – Tower Hamlets Plan Annual Report and priorities going forward
- 6.3 – Future of the private rented sector housing selective licensing designation
- 6.4 – Proposal for the introduction of the borough wide Public Spaces Protection Order (PSPO)
- 6.7 – GP Enhanced Public Health Services – Direct Award

These were considered during discussion of the relevant items.

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

It was noted that there had been a call-in of Agenda Item 6.1 (Black, Asian and Minority Ethnic Inequalities Commission Report) and this would be considered by the Overview and Scrutiny Committee during May.

## **6. UNRESTRICTED REPORTS FOR CONSIDERATION**

### **6.1 Strategic Plan 2021-24**

The Pre-Decision Scrutiny Questions and officer responses were noted.

#### **DECISION**

1. To approve the Strategic Plan for 2021-24 (Appendix 1 to the report), including revised actions and outcome measures that reflect the council's continued COVID-19 response and move to recovery;
2. To note that Directorates will develop business plans containing actions that deliver strategic priorities, including Strategic Plan outcomes and corporate equalities objectives; and
3. To delegate to Divisional Director Strategy, Policy & Performance to finalise the Plan following consultation with the Mayor.

#### **Action by:**

##### **CHIEF EXECUTIVE (W. TUCKLEY)**

(Director, Strategy, Policy and Performance (S. Godman)

(Head of Corporate Strategy and Policy (A. Hoque)

#### **Reasons for the decision**

The 2021-24 Strategic Plan further embeds Outcomes Based Accountability (OBA) into the council's strategic planning and delivery approach.

In this iteration, the Strategic Plan has been updated to consider:

- the continued response to the pandemic
- moving into pandemic recovery for the borough
- progress and achievements made since the last strategic plan
- information relevant to priority-setting such as the council's performance and community needs

Also revised for the 2021-24 Strategic Plan are the high-level actions and measures. This is a normal part of the OBA approach – to review and reflect on progress made.

Importantly, the council's Strategic Plan is the cornerstone for the council's business planning and sets the frame for performance management. The Strategic Plan establishes the 'Golden Thread' that sets requirements for

delivery of strategic priorities and achievement of outcomes, and will be the basis of business planning across the council for the coming year.

### **Alternative options**

The Strategic Plan could remain as agreed in July 2020. This means the council's planned activities would not be reflective of the progress made and the learning gained from the council's pandemic response.

The Mayor and Cabinet may choose to further amend the Strategic Plan. If the Plan is amended, regard would need to be given to the council's Medium-Term Financial Strategy, as well as any impact arising from the changes.

## **6.2 Tower Hamlets Plan Annual Report and priorities going forward**

The Pre-Decision Scrutiny Questions and officer responses were noted.

### **DECISION**

1. To note the content of the Tower Hamlets Plan Annual Report 2021 and progress against outcome measures.
2. To note and comment on the partnership priorities going forward to support the recovery of the borough.

### **Action by:**

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

(Strategy and Policy Manager (C. Matthews))

### **Reasons for the decision**

The annual progress report marks the second opportunity for the Partnership to report on the activities, achievements and challenges over the past 18 months. last year.

It is also an opportunity to recognise examples of best practice where partners have worked together to improve outcomes for residents.

The Tower Hamlets Plan, which was formally adopted by the Cabinet in July 2018, sets the overarching vision for the borough, through which the Partnership coordinates its activity.

The report also sets out partnership priorities to support the economic and social recovery of the borough. The council will have a key role in facilitating this and will need to be reflected in our business planning.

### **Alternative options**

The council could choose not to review progress against the Tower Hamlets Plan. However, it is considered important that the Partnership reflects on its achievements and better communicates its work to the public, to avoid stagnancy and inactivity.

### **6.3 Future of the Private Rented Sector Housing Selective Licensing Designation**

The Pre-Decision Scrutiny Questions and officer responses were noted.

#### **DECISION**

1. To agree the option to renew (redesignate) the current Licensing Scheme in operation within; Weavers, Whitechapel and Spitalfields and Banglatown area (pre 2014 ward boundaries) that is due to come to an end on 30th September 2021 for a further five years.
2. To agree to exclude the Students Accommodation Blocks that are regulated by the Accreditation Network UK (ANUK) which are currently included within the scope of the current scheme.
3. To agree to delegate to the Head of the Environmental Health and Trading Standards to make minor administrative and delivery adjustments as and when required.
4. To agree to approve/endorse the revised Licensing conditions/fees and amenities / accommodation standards to achieve consistency and transparency as may be required on a case by case basis.

#### **Action by:**

#### **CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

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

#### **Reasons for the decision**

Following the Mayoral approval in June 2020 to undertake the required Statutory Consultation in respect of the future of the current Selective Licensing; this report details the result of consultation, sets out the subsequent proposal, options and recommendations for the Mayor and Cabinet to consider.

The current Selective Licensing Scheme (under Part 3 of the Housing Act 2004) has been in operation within Weavers, Whitechapel, Spitalfields and Banglatown since October 2016 has licensed about 8,000 properties. The scheme has put a legal duty on landlords, or the person responsible of privately rented properties to apply for a licence. The scheme has achieved notable success in improving the overall management of privately rented properties in these areas. This has been achieved by requiring good and effective management of rented properties to prevent and tackle anti-social behaviour (ASB) emanating from the Private Rented Sector (PRS). This in turn, results in an overall improvement of property conditions and the neighbourhoods.

Considering that we are in the last few months of the current designation, a decision is required as to whether to cease the Scheme at the end of its five years life cycle or to renew it with or without some minor changes.

**Alternative options**

The Council consulted with stakeholders on the bases of the following principles or options:

- Renew the scheme as it is for a further five years
- Natural ceasing of the scheme at the end of the five-year period
- Renew the scheme with some amendment(s)
- Expand the scheme to the rest or to other parts of the borough

The above options were discussed in detail at all the consultation's virtual sessions which is detailed in consultation report.

Taking into account the consultation feedback, evidence base provided by the independent review, and achievements of the Scheme to date, it is recommended to renew the Scheme with minor changes to its scope. This is to exclude the Student Accommodation Blocks that are currently regulated or accredited by ANUK.

#### **6.4 Proposal for the introduction of the borough wide Public Spaces Protection Order (PSPO) to deal with the possession and use of psychoactive substances (e.g. nitrous oxide) and associated Anti-Social Behaviour (ASB)**

Pre-Decision Scrutiny Questions and officer responses were noted.

**DECISION**

1. To note that the findings of the public consultation within Appendix C to the report, which ended on 15<sup>th</sup> February 2021, indicate overwhelming support for the introduction of a boroughwide Public Spaces Protection Order.
2. Exercising the power under section 59 of the Antisocial Behaviour Crime & Policing Act 2014, to agree to make a boroughwide Public Spaces Protection Order to deal with antisocial behaviour and nuisance linked to the recreational use of psychoactive substances, e.g. nitrous oxide, with the prohibitions set out in Appendix A to the report for a period of 3 years, expiring on 27<sup>th</sup> April 2024.

**Action by:**

**CORPORATE DIRECTOR, HEALTH, ADULTS AND COMMUNITY (D. RADLEY)**

(Director of Community Safety (A. Corbett))

**Reasons for the decision**

This proposal to introduce the Order stems directly from feedback on the consultation for the extension of the existing 'responsible drinking' public spaces protection order. Of the 172 responses received from residents, 41 responses requested that PSPO be varied to include Nitrous Oxide. In addition, representations were also made by local ward councillors

requesting a PSPO be introduced for Nitrous Oxide given the problems in their local wards.

In response to this request, a specific data capture exercise took place throughout September 2020 to assess the extent of the problem, which indicated without any doubt that the problem with nitrous oxide misuse was widespread across the borough, was detrimental to quality of life and correlated with all known ASB hotspots. (see section 3 of the report).

Along with external consultation, a wide range of internal Council services concerned have been involved in collating the data and are supportive of the proposal to introduce a borough wide Public Spaces Protection Order including; Tower Hamlets Enforcement Officers, Substance Misuse Services, Parks and Open Spaces Service, Clean and Green Service, Public Health Division and Trading Standards Service.

Externally, the local police BCU Commander and officers from some of our major housing providers Tower Hamlets Homes and Poplar HARCA have been consulted and are supportive of the proposals.

Apart from supporting the introduction of a PSPO, Public Health professionals have also commented that research developed in recent years, more accurately demonstrates the negative impacts of Novel Psychoactive Substances (NPS) on physical health. Details are set out in the report.

#### **Alternative options**

The alternative option would be not to introduce a PSPO, however this is not recommended.

The community have been actively engaged working with officers and gathering evidence in support of this proposal, as well as third sector providers who work with young people and those who specialise in dealing with addiction and substance misuse issues.

Additionally, formal public consultation resulted in 948 responses. Of those 948 responses, 97.5% (924) were residents and overall, 93.7% (886) were in favour of introducing a PSPO. 89.4% (889) thought the PSPO should be boroughwide and 88.5% (838) said they had witnessed nitrous oxide misuse and that it made them feel unsafe. Not to introduce a PSPO where there is overwhelming support for one may impact public confidence.

### **6.5 The proposal for the amalgamation of Ben Jonson Primary and Harry Roberts Nursery Schools from 1st January 2022**

#### **DECISION**

1. To agree for the publication of a statutory notice for 28 days, in respect of the proposal to amalgamate Ben Jonson Primary and Harry Roberts Nursery schools into an all-through 3 to 11 years' primary school. This would take effect from 1<sup>st</sup> January 2022.

2. To note the findings from the Equalities Assessment, attached as Appendix 2 to the report.

**Action by:****CORPORATE DIRECTOR, CHILDREN AND CULTURE (J. THOMAS)**

(Service Head for Pupil Access and School Sufficiency (T. Bryan)

(School Organisation Manager (I. Mkparu)

**Reasons for the decision**

The recommendation is made in order to determine the council's response to the proposal for the amalgamation of Ben Jonson Primary and Harry Roberts Nursery Schools.

The proposal is being put forward as part of the strategy for these two schools to move towards integrated 3 to 11 primary school provision, rather than maintain separate nursery and primary schools. This will benefit children's education by maximising the resources available and optimising the expertise of staff across the nursery and primary age range, providing outstanding nursery practice alongside top quality primary education in a single setting.

The amalgamation would be achieved through the closure of Harry Roberts Nursery and extending the age range of Ben Jonson Primary, to accommodate the displaced Harry Roberts pupils. Ben Jonson Primary School would therefore become a primary school for pupils aged 3 to 11, whilst retaining its original school Department for Education (DfE) number.

In line with the DfE guidance (November 2019), 'Making significant changes (prescribed alterations) to maintained schools' and 'Opening and Closing Maintained Schools', a first stage public consultation has been undertaken, and a report on the outcome of the consultation has been published on both the council and schools' websites.

The consultation report includes feedback on the representations received following the first publication of the proposals on the 8th February 2021.

**Alternative options**

Option 1: to move to the publication of a statutory notice for 28 days, which is the next stage in the statutory consultation process. This will provide further opportunity for consultees to have their say and or set legal objections against the proposal.

Option 2: not to move to the publication of a statutory notice, but to cease the proposal after the formal consultation period. This would mean not concluding the full statutory consultation process in order to take the decision to establish the newly amalgamated school.

Option 1 is preferred as it takes the proposal to the next stage in the full statutory consultation process. It allows consultees further opportunity to fully consider the proposal during an additional 28-day period and before

the Cabinet is required to make a final determination.

**6.6 Report on outcome of the stage one consultation on the proposal to establish an Autistic Spectrum Condition (ASC) provision at Hermitage Primary School.**

**DECISION**

1. To agree to move to the publication of a Statutory Notice for 28 days, in respect of the proposal to alter Hermitage Primary School with effect from 1st September 2021
2. To note the Equalities Impact Assessment set out in Section 4 of the report and attached as Appendix 2 to the report.

**Action by:**

**CORPORATE DIRECTOR, CHILDREN AND CULTURE (J. THOMAS)**

(Head of Special Educational Needs (J. O'Shea))

**Reasons for the decision**

The recommendation is made in order to determine the Council's response to the proposal for prescribed alterations to Hermitage Primary School.

The alterations will allow Tower Hamlets, as part of its SEND Strategy, to develop a world class provision, for children whose needs may not otherwise be fully met within the Borough.

The proposal is for the changes to take effect from the 1st September 2021 and the process is therefore being undertaken in accordance with Department for Education (DfE) guidance and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

So far, an initial public consultation has been undertaken, and a report on the outcome of the consultation will be published on the Council and School website, following Cabinet's decision on whether to progress to Statutory Notice.

The Consultation Report, at Appendix 1 to the report, includes feedback on the representations received following the stage one publication of the proposals on 22nd February 2021.

**Alternative options**

Option 1: to move to the publication of a statutory notice for 28 days, which is the next stage in the statutory consultation process. This will provide further opportunity for consultees to have their say and set legal objections against the proposal.

Option 2: not to move to the publication of a statutory notice, but to cease the proposal after stage one of the consultation period, this would mean not concluding the full statutory consultation process in order to take the decision

to provide Autistic Spectrum Condition specialist support at Hermitage School.

Option 1 is preferred as it takes the proposal to the next stage in the full statutory consultation process. It allows consultees further opportunity to fully consider the proposal during an additional 28-day period and before the Cabinet is required to make a final determination.

Decisions on whether the school should increase further in size should be taken as part of the Statutory Annual Admissions Review in November 2022.

## **6.7 GP Enhanced Public Health Services – Direct Award**

Pre-Decision Scrutiny Questions and officer responses were noted.

### **DECISION**

1. To approve the recommendation for direct award of a contractual agreement to the Tower Hamlets GP Care Group Community Interest Company (CIC) for the delivery of the Public Health NIS services for 3 years from 1<sup>st</sup> July 2021 with the option to extend for another three years on a yearly basis with a maximum annual value of £932,874 and total value £5,597,244 for the life of the contract.
2. To authorise the Director of Public Health to enter into all necessary agreements.
3. To note that funding for the Public Health NIS Services will be met within the Public Health Grants budgets for the life of the contract.
4. To note the specific equalities considerations as set out in 4.1 and 4.2 of the report.

### **Action by:**

**CORPORATE DIRECTOR, HEALTH, ADULTS AND COMMUNITY (D. RADLEY)**

(Drugs and Alcohol Action Team (DAAT) Commissioning Manager (D. Dennis)

(Associate Director of Public Health (R. Verrecchia)

### **Reasons for the decision**

Primary care has an essential role in improving the health and wellbeing of Tower Hamlets residents. This decision will enable public health services funded from the public health grant and provided by GPs to continue for the next three - six years and in doing so improve the health and wellbeing of local residents.

### **Alternative options**

Section 75 Agreement – these agreements are used between Local Authorities and Clinical Commissioning Groups (CCG) to pool resources in driving the integration between health and social care. However, as the CCG

is undertaking a direct contract award for the NIS services to the GP Care Group this does not meet the criteria where a section 75 agreement would be appropriate.

Competitive procurement- following previous recommendations made by the Council's Competition Board this option was extensively explored. However, it was found not to be possible as the NIS services are provided as an addition to the GMS contract to patients registered with local GPs. Competition is not possible as only the local GP networks are able to provide these services to their registered patients.

Direct contract award to each of the 7 primary care networks would significantly increase the amount of council administration, requiring an individual contract with each network and reduce the opportunity to centralise NIS administration functions in a single organisation, the GP Care Group. The network structures are also under review and are likely change in the next few years necessitating novation of contracts.

**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. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION**

Nil items.

**12. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS CONSIDERED TO BE URGENT**

Nil items.

CABINET, 28/04/2021

SECTION ONE (UNRESTRICTED)

The meeting ended at 6.41 p.m.

Mayor John Biggs