

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.35 P.M. ON WEDNESDAY, 22 SEPTEMBER 2021

**C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present in person:

Mayor John Biggs

Councillor Rachel Blake	(Deputy Mayor and Cabinet Member for Adults, Health and Wellbeing)
Councillor Candida Ronald	(Cabinet Member for Resources and the Voluntary Sector)
Councillor Mufeedah Bustin	Cabinet Member for Social Inclusion – (Job Share post as part of Social Inclusion and Public Realm portfolio)

Members In Attendance remotely:

Councillor Sabina Akhtar	(Cabinet Member for Culture, Arts and Sports)
Councillor Asma Begum	(Statutory Deputy Mayor and Cabinet Member for Children, Youth Services, Education and Equalities)
Councillor Mufeedah Bustin	(Cabinet Member for Social Inclusion (Job Share) – as part of wider Social Inclusion and Public Realm Portfolio)
Councillor Kahar Chowdhury	(Cabinet Member for Public Realm and Highways (Job Share) – as part of wider Social Inclusion and Public Realm portfolio)
Councillor Asma Islam	(Cabinet Member for Environment and Planning)
Councillor Sirajul Islam	(Cabinet Member for Community Safety)
Councillor Motin Uz-Zaman	(Cabinet Member for Work, Economic Growth and Faith)

Other Councillors Present in person:

Councillor Peter Golds	(Leader of the Conservative Group)
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Other Councillors In Attendance remotely:

Councillor Mohammed Pappu	(Chair of the Overview and Scrutiny Committee)
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Officers Present in person:

Stephen Bramah	(Deputy Head of the Mayor's office)
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Janet Fasan	(Director of Legal & Monitoring Officer)
James Thomas	(Corporate Director, Children and Culture)
Will Tuckley	(Chief Executive)
Matthew Mannion	(Head of Democratic Services, Governance)

Officers Present in person:

Rupert Brandon	Interim Head of Housing Supply
Mohammed Chibou	(Principal Transport Planner)
Thorsten Dreyer	(Head of Intelligence and Performance)
Sharon Godman	(Director, Strategy, Improvement and Transformation)
Hitesh Jolapara	(Interim Divisional Director, Finance, Procurement & Audit)
Dan Jones	(Divisional Director, Public Realm)
Daniel Kerr	(Strategy and Policy Manager)
Steve Nyakatawa	(Director of Education)
Denise Radley	(Corporate Director, Health, Adults & Community)
Robin Sager	(Regeneration Schemes Co-ordinator)
Mariana Schiller	(Central Area Design Guidance Project Manager, Planning and Building Control)
Stephen Shapiro	(Interim Head of Asset Management)
Joanne Starkie	(Head of Strategy and Policy - Health Adults and Communities)
Warwick Tomsett	Joint Director, Integrated Commissioning
Matthew Vaughan	(Political Advisor to the Conservative Group, Democratic Services, LPG)
Frances Winter	(Strategy & Policy Manager, Children & Culture)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Kevin Bartle (Interim Corporate Director, Resources) for whom Kitesh Jolapara (Interim Director of Finance, Procurement and Audit) deputised.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no Declarations of Disclosable Pecuniary Interests.

3. UNRESTRICTED MINUTES

DECISION

1. To approve the unrestricted minutes of the Cabinet meeting held on Wednesday 8 September 2021 and that they be 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 on the following Agenda Items:

- 6.1 Understanding the Impact of Covid-19
- 6.2 Tower Hamlets Poverty Review
- 6.5 New Electric Vehicle Charging Delivery Plan
- 6.9 Lease Renewal at Sutton Street Depot

These were considered during discussion of the relevant Agenda Items.

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

Nil items.

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 Understanding the impact of Covid-19 in Tower Hamlets – follow-up

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

DECISION

1. That the report be noted.

Action by:

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

(Head of Strategy and Policy – Health, Adults and Communities (J. Starkie)

Reasons for the decision

To provide evidence and insight in order to inform short and longer-term strategic planning over the next 12 to 18 months.

Alternative options

Not applicable – this is a noting report.

6.2 LB Tower Hamlets Poverty Review

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

DECISION

1. To note the review report and findings, and agree the recommendations set out in the report.
2. To agree an annual report to Cabinet outlining the progress made implementing the recommendations including our work with partners.
3. To note the equalities considerations as set out in Paragraph 4 of the report.

Action by:**DIRECTOR OF STRATEGY, IMPROVEMENT AND TRANSFORMATION (S. GODMAN)**

(Strategy and Policy Manager, Children and Culture (F. Winter))

Reasons for the decision

Social justice lies at the heart of the Tower Hamlets Plan, with a shared commitment to tackling inequality and building a strong, inclusive and fair borough. The Council's contribution is found in our Strategic Plan which sets out key priorities designed to ensure fairness and the improvement of social and economic outcomes for the residents of Tower Hamlets.

The Poverty Review was conducted to provide an evidence base and recommendations that will help influence and shape future council and partner actions to address poverty. It fulfils a commitment in the 2021 – 24 strategic plan to “explore options on the borough's approach to tackling poverty and addressing the additional impact of the pandemic in the borough”.

Alternative options

The original intention was to host a Child Poverty Commission. These plans were delayed following the start of the Coronavirus pandemic, and the need for an urgent partnership response to the murder of George Floyd and the Black Lives Matter movement which was fulfilled through the Black, Asian and Minority Ethnic Inequalities Commission. In early 2021, the Poverty Review started with a scoping exercise which concluded that a focus on council-supported interventions would support a timely analysis and response to the pandemic and its impact on residents' livelihoods.

An alternative approach would have been to not conduct the review. This would have represented a missed opportunity to understand the impact of the council's considerable investment in tackling poverty.

6.3 Strategic delivery and performance reporting – Q1 2021/22

DECISION

1. To note the strategic delivery and performance report for quarter 1 of 2021/22;
2. To note that the Covid-19 pandemic continues to have an impact on service delivery in some parts of the council;
3. To note the performance of the strategic measures, including those measures where the minimum expectation has been missed.

Action by:

CHIEF EXECUTIVE (W. TUCKLEY)

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

(Head of Intelligence and Performance (T. Dreyer)

(Senior Intelligence and Performance Manager (J. Haynes)

(Intelligence and Performance Manager (V. Allen)

Reasons for the decision

The council is committed to improving outcomes for residents. Our corporate priorities and outcomes are found in our Strategic Plan and provide a framework for action.

Our Performance & Accountability Framework sets out the process for monitoring the timely and effective delivery of the Strategic Plan to improve outcomes for residents. In line with the framework, Cabinet receives regular update reports to ensure oversight of pace, delivery, performance and improvement activities. Cabinet receives a report on performance indicators only in quarters 1 and 3 of the financial year while at the mid-year and end-of-year points (quarters 2 and 4), the report also includes a progress update on delivery of our Strategic Plan actions.

This report promotes openness, transparency and accountability by enabling Tower Hamlets residents to track progress of activities that impact on their lives and the communities they live in.

Alternative options

Cabinet may decide not to review the delivery and performance information. This is not recommended as Members have a key role to review and challenge underperformance and to utilise performance information to inform resource allocation.

6.4 Budget monitoring report 2021-22 as at 30th June 2021 (period 3)**DECISION**

1. To note the Council's projected outturn position against General Fund, Dedicated Schools Budget, Housing Revenue Account and earmarked reserves for 2021-22, based on forecasts as at 30th June 2021;
2. To note the reserves position of the Council is uncertain pending the closure of the statement of accounts for the period 2016 – 2021;
3. To note the Council's projected outturn position against General Fund and Housing Revenue Account capital programme approved budgets, based on forecasts as at 30th June 2021;
4. To note that there are no equalities implications directly resulting from this report, as set out in Section 4.

Action by:**INTERIM CORPORATE DIRECTOR, RESOURCES (K. BARTLE)**

(Head of Strategic Finance (Chief Accountant) (A. Khan))

Reasons for the decision

The Council could choose to monitor its budgetary performance against an alternative timeframe, but it is considered that the reporting schedule provides the appropriate balance to allow strategic oversight of the budget by Members and to manage the Council's exposure to financial risk. More frequent monitoring is undertaken by officers and considered by individual service directors and the Council's Corporate Leadership Team (CLT) including approval of management action.

To the extent that there are options for managing the issues identified these are highlighted in the report in order to ensure that Members have a full picture of the issues and proposed solutions as part of their decision making.

Alternative options

The regular reporting of Revenue and Capital Budget Monitoring information through the year and the preparation of the provisional outturn position after the year end provides detailed financial information to Members, senior officers and other interested parties on the financial performance of the Council. It sets out the key variances being reported by budget holders and the management action being implemented to address the identified issues.

Further information across the Council's key financial activities is also included to ensure that CLT and Members have a full picture to inform their consideration of any financial decisions set out in this report and also their broader understanding of the Council's financial context when considering reports at the various Council Committees.

Set alongside relevant performance information it also informs decision making to ensure that Members' priorities are delivered within the agreed budget provision.

It is important that issues are addressed to remain within the approved budget provision or where they cannot be contained by individual service management action, alternative proposals are developed and solutions proposed which address the financial impact; CLT and Members have a key role in approving such actions as they represent changes to the budget originally set and approved by them.

6.5 New Electric Vehicle Charging Delivery Plan 2021-2025 and funding towards new public charging points.

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

DECISION

1. To approve the Electric Vehicle Charging Delivery Plan and targets for delivery by 2025.
2. To adopt a capital estimate of £329,840 to be included in the capital Programme 2021/22, and earmark £82,000 from the Transportation Service Streetscene Enhancement Revenue budget to deliver 150 Street Lighting Column Electric Vehicle Charge Points by 31 March 2022.
3. To approve £500,000 of CIL funding as a match contribution towards a bid for £1,500,000 which will be released subject to the bid being successful.
4. To approve the use of the available procurement channels to procure 150 slow charge lamp column charging points and 250 fast chargers.

Action by:

CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

(Director of Public Realm (D. Jones)

(Principal Transport Planner (M. Chibou)

Reasons for the decision

This decision is required in order that work can proceed to deliver on policies set out in the Strategic Plan Priority 5 (People live in a borough that is clean and green)

Alternative options

Refusal to install the required number electric vehicle charging points on street: This would compromise the Council's ability to comply with its own Strategic Plan and with London-wide Air Quality and Transport Policies.

Reduce the speed of delivery: current changes in the market and emissions legislation suggests that demand is likely to grow more quickly than predicted and slowing delivery would have similar impacts to refusing to deliver any points.

6.6 AHSCS5019 Domiciliary and Personal Care Contracts Extension

DECISION

1. To approve the extension of the current Adult and Children Domiciliary and Personal Care contracts for a period of 6 months.

Action by:

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

(External Funding and Commissioning (B. Akinfolarin))

Reasons for the decision

The current Domiciliary and Personal Care contracts in Tower Hamlets are due to come to an end on 6th February 2022.

Work is underway to re-procure these contracts with a focus on coproduction and an outcomes-based approach. These services are vital to supporting people in their own homes. As such, the engagement of people who use the services, and their carers is critical to developing the best possible outcomes framework and specification. An extension of the current contracts for six months will provide sufficient time for this work and approach to be carried out.

Alternative options

Reject the 6-month extension of the current Adult and Children Domiciliary and Personal Care contracts.

- This would result in no coproduction or stakeholder engagement before a new contract was procured and so is not a viable option.

6.7 Outcome of public representations to the statutory Notice on the proposal to amalgamate Harry Roberts Nursery and Ben Jonson Primary School

DECISION

1. To note the report and its supporting documents, particularly the statutory notice (Appendix 1 to the report) and the Equality Assessment (Appendix 2 to the report), along with comments made by respondents to the Statutory Notice.
2. To agree to the amalgamation (merger) of Ben Jonson Primary and Harry Roberts Nursery schools to form an all-through 3 to 11 years' primary school, taking effect from 1st January 2022.

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 decision following the responses received to the statutory notice.

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 will also create a single governing body to drive the school's strategic planning, monitor whole school development to ensure robust accountability and provide an all-through primary school to serve the needs of the local community.

Amalgamation of the schools would be achieved through the technical 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) registration number.

In line with the DfE guidance (November 2019), 'Making significant changes (prescribed alterations) to maintained schools' and 'Opening and Closing Maintained Schools', public consultation has been undertaken in the form of a first stage informal consultation followed by a formal statutory notice inviting further representation over 28 day period.

Alternative options

The Mayor could decide not to agree to the recommendation for the schools amalgamation. In which case the schools would continue as separate institutions and seek to find alternative ways to work together to gain most benefit from their expertise and resources.

The Mayor could decide to delay his decision on the schools amalgamation. However, this could mean the amalgamation taking place later than the proposed date of 1st January 2022, by which time the position for both schools may be less advantageous and the uncertainty unsettling for children, staff and parents,

6.8 Affordable Self-Build on Council Owned Land – Disposal and marketing of sites**DECISION**

1. To approve disposal of Christian Street and Lark Row to preferred bidders selected by assessment panel, on a 250-year lease in accordance with the previously approved Self-Build Policy and Guidance.
2. To approve marketing and disposal of Pigott Street and Smythe Street under the Self-Build Programme, in accordance with the process undertaken for Christian Street and Lark Row.
3. To note that more sites will be added to the Self-Build Programme. Should suitable sites be identified, Cabinet will be asked to approve the inclusion of these into the programme.
4. To delegate authority to the Corporate Director of Place to market and dispose of any future sites added to the Self-Build programme in line with the process set out in this report once Cabinet has approved inclusion of any site into the Self-Build Programme.

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

(Self-Build and Co-housing Project Manager (M. Schiller)

(Regeneration Schemes Coordinator (R. Sager)

Reasons for the decision

The Self-Build Policy and Guidance were approved by Cabinet in March 2020, along with a list of Council-owned sites to be disposed for affordable self-build (Appendices 1, 2 and 3 to the report). These were developed to respond to the Mayor's election manifesto pledge to support up to 50 self-build homes during the period 2018-2022.

For the first two sites made available for bidding on the GLA Small Sites Portal (Christian Street and Lark Row) a total of 19 bids were received – 6

for Christian Street and 13 for Lark Row. These proposed different design principles, governance and management arrangements and number of affordable homes being delivered, but most of the bids were of high quality and in line with the Assessment Criteria and Guide to Bidders (Appendices 4 and 5 to the report). An expert panel formed by Council officers as well as officers from the GLA and Community Led Housing Hub (London) was formed to score the bids and shortlist preferred bidders for each site. Following clarifications with bidders and due diligence checks, a preferred bidder for each site will be confirmed by the assessment panel.

It is now key to agree disposal of these two sites to the preferred bidders selected by the panel in order to deliver on the Mayor's commitment. As established by the adopted Self-Build Policy and Guidance, the affordability of schemes will be maintained in perpetuity through a S106 agreement applied to the planning consent that will prescribe the permitted use of the land for self-build only; apply resale price caps to the sale of the homes; and require clear allocation policies for initial and future sale or letting of self-build homes. Example S106 clauses can be found at Appendix 6 to the report.

Cabinet is also asked to approve marketing and disposal of the next two sites in the programme (Pigott Street and Smythe Street). They will be marketed on the GLA Small Sites Portal and bids will be assessed by an assessment panel, following the same process undertaken for Christian Street and Lark Row. Affordability of schemes will also be maintained in perpetuity through a S106 agreement, in line with the adopted Self-Build Policy and Guidance.

Finally, Cabinet is asked to note that officers will look into adding more sites into the programme. Should suitable sites be identified, Cabinet will be asked to approve the inclusion of these into the programme. Cabinet is also asked to approve delegated authority to the Corporate Director of Place to follow the same process that is proposed for Pigott Street and Smythe Street once future Council-owned sites are approved for self-build by Cabinet. As the Council's Self-Build Programme becomes more established and delivers on the Mayor's commitment, it is recommended approval for following the same process for future sites added to the programme in order to streamline the process. The marketing of sites will follow a process that has already shown itself to be reliable and robust given the high levels of interest for the first two sites in the programme and the fact that sites are marketed with clear, standardised contractual terms which have been developed specifically for the programme. These provide a proportionate level of control, with simplicity and efficiency in mind. This is exemplified by the standard long leasehold subject to planning. The process of scoring bids following a clear assessment criteria, which favours quality over cost, and is conducted by an experienced assessment panel has also shown itself to be reliable and robust.

Alternative options

Not agreeing disposal of Christian Street and Lark Row to preferred bidders may result in failure to deliver on the Mayoral commitment on self-build

housing and disaffect the self-build community in the borough, particularly the groups involved in developing bids. Potentially, there could also be a breach of statutory duty in relation to the provisions of the Housing and Planning Act 2016 and the Self-build and Custom Housebuilding Act 2015.

Not agreeing marketing and disposal of the next two sites (Pigott Street and Smythe Street) may lead to the same consequences outlined above.

Not noting that more sites will be added to the programme or agreeing delegated authority to follow the same process that is proposed for Pigott Street and Smythe Street for any future Council-owned sites that are added to the Self-Build Programme may, in addition to the same consequences outlined above, also lead to delays in progressing the programme and, as a consequence, future selected bidders missing the deadline for securing GLA grants through the London Community Housing Fund.

An alternative option considered was for the Council to enter into a shared equity arrangement with the self-builder with the Council providing an additional “affordability discount” (of between 20% to 50%) by way of a retained equity stake. The comments provided by the Chief Finance Officer at the pre-consultation stage for the March 2020 Cabinet report did not recommend this option.

Consideration was given to alternative routes of financing of schemes should bidders fail to access GLA grants due to missing the deadline. Although schemes can also be financed through loans, mortgages and personal savings/equity, it is considered that having the option to access GLA grants is crucial to ensuring that the programme is inclusive and prioritises affordability, particularly for those individuals and groups that would find it challenging to finance their projects otherwise.

6.9 Lease Renewal at Sutton Street Depot, 6 Sutton Street, London, E1 0AY

Pre-Decision Scrutiny Questions and officer responses were noted.

DECISION

1. To grant a new 3-year lease, excluding security of tenure, to the existing occupier of 6 Sutton Street at a rent of £125,000 per annum, subject to an initial 12 month rent free period.
2. To approve the repayment of £80,000 in arrears by virtue of an up-front payment of £40,000 with the balance payable after 3 months after completion of the lease.
3. To agree a Schedule of Works with the tenant to be appended to the lease and to be completed within 6-months of completion. These works are appended at Appendix 1 to the report.

Action by:

CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)
(Interim Head of Asset Management (S. Shapiro))

Reasons for the decision

The proposed terms regularise the position of the tenant whose previous lease expired in June 2018. To prevent the tenant from acquiring security of tenure under the Landlord and Tenant Act 1954 the Council had the rent stopped.

The rent of £125,000 per annum represents best value for the Council because it provides an income for an otherwise disused building. The tenant has agreed to undertake a schedule of improvement works to the building which will cost in the region of £100,000 - £150,000. Considering the capital payment made by the tenant respect of the improvement works to be undertaken and the benefit that the Council will gain from such works on expiry of the lease a rent-free period of 12 months has been agreed.

Upon expiration of the June 2018 lease, the tenant did not pay rent and the building has remained vacant and unused. During this time the tenant has covered business rates and security costs associated with the building. However, on expiry of the lease, the Council did not seek possession to recover the property and the tenant remained in occupation. As the tenant has been in occupation since June 2018 it is possible that they could have obtained security of tenure. This means that the tenant has a right to a new tenancy even though the expired lease was excluded from the Landlord and Tenant Act 1954 (the Act). The Council are seeking to recover monies which are equivalent to rent for occupation from June 2018 to present day via a legal principal known as 'mesne profits'. The costs to pursue the arrears could be costly plus the time and resources taken to recover the rent outweighs the potential rent received. Therefore an £80,000 payment has been agreed with the tenant which will go towards the potential arrears for the building.

Discussions have been on-going to grant the tenant a new 3 year lease outside the Act, thereby continuing to prevent them securing continual rights of occupation. This ensures that the Council retains flexibility regarding future use of the site at the conclusion of this lease term.

The new lease would also include an obligation to undertake works within 6-months of completion of the lease. In the former lease there was an obligation upon the Council to pay £50,000 towards capital works on the building.

The documentation is ready to complete, but due to the rental level of £125,000 per annum being above Delegated Authority levels further authority is sought.

Alternative options

The main alternative option is not to agree the proposed lease and associated agreements. The Council would therefore need to seek vacant possession and be responsible for voids, re-letting the space and security costs.

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.

The meeting ended at 7.05 p.m.

Mayor John Biggs