

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE CABINET

HELD AT 5.40 P.M. ON WEDNESDAY, 27 OCTOBER 2021

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

Members present in person:

Mayor John Biggs	
Councillor Asma Begum	(Deputy Mayor and Cabinet Member for Children, Youth Services, Education and Equalities (Statutory Deputy Mayor))
Councillor Rachel Blake	(Deputy Mayor and Cabinet Member for Adults, Health and Wellbeing)
Councillor Motin Uz-Zaman	(Deputy Mayor and Cabinet Member for Work, Economic Growth and Faith)
Councillor Asma Islam	(Cabinet Member for Environment and Planning)
Councillor Candida Ronald	(Cabinet Member for Resources and the Voluntary Sector)

Members in attendance remotely:

Councillor Sabina Akhtar	(Cabinet Member for Culture, Arts and Sports)
Councillor Danny Hassell	(Cabinet Member for Housing)
Councillor Sirajul Islam	(Cabinet Member for Community Safety)
Councillor Mufeedah Bustin	Cabinet Member for Social Inclusion – (Job Share post as part of Social Inclusion and Public Realm portfolio)
Councillor Kahar Chowdhury	Cabinet Member for Highways and Public Realm – (Job Share post as part of Social Inclusion and Public Realm portfolio)

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

Officers in attendance in person

Will Tuckley	(Chief Executive)
Jonathan Melnick	(Principal Lawyer-Enforcement)
Joel West	(Democratic Services Team Leader (Committee))

Officers in attendance remotely

Jane Abraham	(Head of Capital Delivery)
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Kevin Bartle	(Interim Corporate Director, Resources and Section 151 Officer)
Rupert Brandon	(Head of Housing Supply)
Chris Burr	(Head of Growth)
Janet Fasan	(Director of Legal & Monitoring Officer)
Aelswith Frayne	(Interim Head of Employment and Skills)
Sharon Godman	(Director, Strategy, Improvement and Transformation)
Afazul Hoque	(Head of Corporate Strategy & Policy)
Rafiqul Hoque	(Head of Housing Options)
Matthew Pullen	(Infrastructure Planning Manager)
Denise Radley	(Corporate Director, Health, Adults & Community)
Michael Ritchie	(Place Shaping Team Leader, Strategic Planning, Place)
Marissa Ryan-Hernandez	(Plan Making Team Leader)
Stephen Shapiro	(Head of Asset Management)
Judith St John	(Director, Commissioning and Culture, Children's Services)
Ann Sutcliffe	(Corporate Director, Place)
David Tolley	(Head of Environmental Health and Trading Standards)
Sarah Wilks	(Infrastructure Planning Team Leader)

Others Present remotely:

Pam Bhamra	(Tower Hamlets Black, Asian and Minority Ethnic Inequalities Commissioner)
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1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of James Thomas (Corporate Director Children and Culture) for whom Judith St. John (Director of Commissioning and Culture) deputised, and from Andreas Christophorou (Director of Communications and Marketing).

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no Declarations of Disclosable Pecuniary Interests.

Following the meeting, Councillor Peter Golds informed the Monitoring Officer that, further to Item 6.8 - George Green School: Procurement of works and services, he wished it to be recorded that he was a Trustee of the Island Sports Trust which has a connection with George Green's School.

3. UNRESTRICTED MINUTES**RESOLVED:**

1. To approve the unrestricted minutes of the Cabinet meeting held on Wednesday 22 September 2021 and that they be signed by the Chair as a correct record of proceedings.

4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR

The Mayor announced:

- The Council had started to consider the implications of the recently announced national budget
- He would be making announcements in the next few days regarding the next steps of the Liveable Streets Programme.
- A number of events were planned over the coming weeks to mark the impact of the Covid 19 pandemic.
- That Tahmid Hussen was elected as the new Young Mayor of the Borough and his five deputies will be Hafizur Rahman, Mohsen Ali, Ablah Chazhiyattiri Peedikayil, Intisar Al-Alam, and Rhianna Fowell.

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:

- 6.2 Tower Hamlets Black, Asian and Minority Ethnic Inequalities Commission Action Plan
- 6.3 Local Infrastructure Fund (LIF) Virements to the Approved Capital Programme 2021-22 to 2023-24
- 6.6 Development of William Brinson Centre– Appropriation and use of Section 203 Powers (Rights of Light)
- 6.8 George Green School: Procurement of works and services
- 6.9 Vacant School Sites proposals
- 6.11 Canon Barnett Playground.

These were considered during discussion of the relevant Agenda Items.

In addition, Councillor Mohammed Pappu, Chair of the Overview and Scrutiny Committee, provided an update on the work of the Committee. In particular he reported that at their meeting the previous Monday, they looked at the Liveable Streets programme and the Licensing Act Cumulative Impact Assessment. The Children's Scrutiny Sub Committee would be monitoring the Council's response to the recent SEND inspection findings. He also mentioned how the Committee had concerns with a lack of scrutiny support from some council services and that he would be formally raising those concerns with the statutory scrutiny officer and the Chief Executive.

The Mayor thanked Councillor Pappu for his presentation.

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

Nil items.

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 Delivery Report – Local Economic Support

Councillor Motin Uz-Zaman, Deputy Mayor and Cabinet Member for Work, Economic Growth and Faith introduced the report that set out what the Council had delivered to support the local economy over the course of the past 18 months since the onset of the Coronavirus pandemic. He highlighted some of the key achievements included in the report, including:

- Over 900 local people had been supported into work or better employment.
- Over £200m distributed in grants and rate relief to more than 5,000 local businesses.
- A 3-month rent relief programme, worth £98,210.
- 598 businesses benefitted from free, online, expert-led seminars.
- 200 small and micro businesses supported through Pivot Programmes.
- The Council's creative freelancer project supported 60 small businesses.

The Mayor noted that the Council's Covid Recovery fund would provide additional benefits to the local economy beyond those captured in the report.

Officers announced that additional funding had been received from the Central London Forward partnership of around £700,000 and plans were being drawn up for how this could be used to help get more residents into work.

The Mayor welcomed the report and emphasised the dramatic impact the Covid pandemic had had on the local economy. He moved the recommendations as set out and they were agreed without dissent. It was:

RESOLVED

1. To note the actions taken by officers over the course of the last 18 months in the provision of economic support.

6.2 Tower Hamlets Black, Asian and Minority Ethnic Inequalities Commission Action Plan

Councillor Asma Begum, Deputy Mayor and Cabinet Member for Children, Youth Services, Education and Equalities introduced the report that presented the cabinet's initial action plan in response to the 23 recommendations made in the Tower Hamlets Black, Asian and Minority Ethnic Inequalities Commission.

Councillor Begum noted that the report presented a marker for future transformative work and for relentlessly challenging race inequality.

Accordingly, the ambitious action plan would be supported by funding of £1.5million.

Councillor Candida Ronald, Cabinet Member for Resources and the Voluntary Sector explained how the Council would be transforming its organisational culture in response to the Commission's recommendations. The council will invest funding to ensure race inequality is discussed and addressed at all levels of the organisation and with partners

Councillor Rachel Blake, Deputy Mayor and Cabinet Member for Adults, Health and Wellbeing explained how the Council would be addressing some of the 9 health-related recommendations from the Commission's report including the role of the Council's partners and the Health and Wellbeing Board

Councillor Motin Uz-Zaman, Deputy Mayor and Cabinet Member for Work, Economic Growth and Faith highlighted work planned and already underway to deliver the employment recommendations. The Council will invest funding to increase employment rates amongst Black, Asian and Minority Ethnic residents and to increase in number of Black, Asian and Minority Ethnic staff in senior roles in organisations in Tower Hamlets.

Pam Bhamra, one of the Commissioners, provided her initial thoughts on the proposed action plan. She felt the proposals reflected that the council and its partners would be leading the way on race equality and felt the commitment of funding demonstrated that voices of the Commission and contributors had been heard.

Kevin Bartle, Corporate Director of Resources, highlighted paragraph 6.1 of the covering report which clarified that spending: "will be authorised by the S151 Officer following value for money assessments of the individual non-recurrent project funding requests, which will include consideration of the use of existing resources (including internal staffing resource) within the partnership and the availability of alternative funding sources". Accordingly, Mr Bartle recommended that the Cabinet agree an additional resolution to delegate authority to allocate funding from the reserve to the Corporate Director Resources, following consultation with the Director Strategy, Improvement and Transformation. The Mayor welcomed this additional recommendation.

The Mayor welcomed the report and noted the pre-decision scrutiny questions and officer responses. The Mayor then proposed the amended recommendations to Cabinet and they were agreed without dissent. It was:

RESOLVED

1. To agree the council's commitments to the anti-racist pledge and note that the actions will be reviewed and updated through on-going appraisal of progress (Appendix 2 to the report).

2. To agree the actions set out in the Black, Asian and Minority Ethnic Inequalities Commission Action Plan and note that the actions will be reviewed and updated through on-going appraisal of progress (Appendix 2 to the report).
3. To agree to create a £1m reserve to provide the funding needed to deliver the programme set out in the action plan. This will be in addition to the use of £595,000 from existing budgets, bringing the total for delivering the attached action plan to £1,582,691.
4. To agree to delegate authority to the Corporate Director – Resources to approve funding requests for individual projects from the newly created reserve, following consultation with the Director Strategy, Improvement and Transformation.

6.3 Local Infrastructure Fund (LIF) Virements to the Approved Capital Programme 2021-22 to 2023-24

Councillor Asma Islam, Cabinet Member for Environment and Planning introduced the report which sought approval for the virements of budgets to the Local Infrastructure Initiatives (LII) Programme in the 21/22 - 23/24 approved Capital Programme funded by the Local Infrastructure Fund (LIF).

The Mayor welcomed the report and noted the pre-decision scrutiny questions and officer responses and moved the recommendations as set out and they were agreed without dissent. It was:

RESOLVED:

1. To approve the proposed allocations/schemes valued at £11.612m for delivery in LIF Programme 3 as set out in Table 2, Section 3.14 /Appendix 1 of the report.
2. To delegate the decision on the allocation of the £0.500m Small Works pot shown in Table 2, Section 3.14 of the report to the Director of Planning and Building Control through the LIF Working Group.
3. To delegate the decision on the approval of contingency funds shown in Table 2, section 3.14 of the report to the Director of Planning and Building Control through the LIF Working Group.
4. To note the ring-fenced budget of £5.207m in the Capital Programme LIF pot for projects in the Capital Programme that will deliver LIF priorities, noting that project level approvals will come to Cabinet separately in future meetings.
5. To approve the budget virement from LIF Programme 1 of £6.013m to LIF Programme 3.
6. To note that the approved budget for LII is unchanged.

7. To approve the changes to the LIF consultation cycle from a 2 year cycle to a 3 year cycle as detailed in Section 3.17 – 3.22 of the report.
8. To note the Equalities Impact Assessment / specific equalities considerations as set out in Paragraphs 4.1 – 4.4 of the report.

6.4 Review of the Licensing Act Cumulative Impact Assessments

Councillor Asma Islam, Cabinet Member for Environment and Planning introduced the report which, further to the Council's statutory responsibilities under the Licensing Act 2003, presented the results of a review of The Council's two Cumulative Impact Assessments in Brick Lane and Bethnal Green. Councillor Islam explained how the results of the consultation had fed into the review and asked Cabinet to note that, as part of the Council's Policy Framework, approval of the recommendations would be forwarded to full Council.

At the invitation of the Mayor, Philip Kolvin QC addressed the Cabinet. Mr Kolvin, who was representing UK Hospitality, made several points, including:

- The proposed CIP is a barrier to investment and employment.
- The required evidence base to demonstrate cumulative impact in the proposed areas does not exist. Many businesses have closed and many more will close due to the Covid pandemic. Other authorities have moved or suspended their cumulative impact policies for this reason. The Council should make a post COVID assessment and forecast.
- The Council's pre-pandemic data failed to demonstrate cumulative impact. The critique of the Council's data analysis in UK Hospitality's submission had not been addressed. Evidence of complaints etc are insignificant and do not demonstrate cumulative impact. UK Hospitality suggests lifting and pausing the policies for an evaluation period.
- The Council, police and residents already have sufficient safeguards to promote standards of licensed premises in the areas and revoke licenses of premises that fail to promote the licensing objectives. A CIP presents an additional, artificial barrier for the sector at a time it is struggling to recover from the pandemic.
- There is a growing international body of literature on alternative methods of promoting a modern, sustainable, post-Covid night time economy. Proposals include no evidence that this alternative approach had been considered.

Councillor Peter Golds, Leader of the Conservative Group, indicated he supported the cumulative impact policies, which in the past had worked extremely well both for residents and businesses, to protect and promote the vibrant night-time economy in the affected areas.

The Mayor and Councillor Islam responded to the points made by Mr Kolvin. They indicated that they understood and had sympathy with the position the hospitality industry in this matter, but they felt that the assessment of public representations and of all evidence led them to support the proposals.

At the request of the Mayor, David Tolley, Head of Environmental Health and Trading Standards addressed the meeting and indicated that he felt the officer report reflected all the comments received.

The Mayor thanked Mr Kolvin and Councillor Golds for their contributions. He noted and welcomed the comments from Overview and Scrutiny Committee (circulated as an agenda supplement) which he felt were broadly supportive of the recommendations proposed in the report. He moved the recommendations as set out and they were agreed without dissent. It was:

RESOLVED:

1. To consider the evidence and statutory consultation returns and retain both CIAs in Brick Lane and Bethnal Green.
2. To consider and agree the reviewed CIA Policy Statement, which has been reviewed in light of the consultation. The Policy Statement can be found in Appendix One to the report, however Cabinet should note paragraph 9.10 of the Policy, which states:

"If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted in line with their delegated authority."

3. That the proposed CIAs, as part of the Statement of Licensing Policy, will take effect from 18th November 2021 for three years unless, within that time, they are reviewed and the Council is of the opinion that they are no longer necessary.
4. To support these recommendations to full Council for adoption

6.5 Progress of the Homelessness Transformation Programme seeking the approval of the revised Homelessness Accommodation Placement Policy

Councillor Danny Hassell, Cabinet Member for Housing introduced the report which provided an update on the progress that has been made in the delivery of the council's Homelessness Transformation Programme and sought approval for a revised Homelessness Accommodation Placement policy which reflected the legislation brought into place following the Homelessness Reduction Act (2017). Councillor Hassell outlined some of the key benefits the revised Homelessness Accommodation Placement policy would deliver both in terms of the customer experience and the council's processes and resource allocation.

The Mayor welcomed the report, which he indicated represented a reasonable and thoughtful approach to a challenging policy area. He moved the recommendations as set out and they were agreed without dissent. It was:

RESOLVED:

1. To note the scope and progress made by the Homelessness Transformation Programme to date.
2. To approve the council's revised Homelessness Accommodation Placement policy to take into account the provisions of the Homelessness Reduction Act (2017) and how the council, as a local housing authority, will allocate accommodation in the private rented sector to prevent and relieve homelessness.

6.6 Development of William Brinson Centre– Appropriation and use of Section 203 Powers (Rights of Light)

Councillor Danny Hassell, Cabinet Member for Housing introduced the report which sought cabinet agreement to authorise the Corporate Director of Place to appropriate for planning purposes the Council's property known as Land at William Brinson Centre for the purpose of facilitating the construction new buildings comprising commercial units affordable housing units.

Rupert Brandon, Head of Housing Supply, provided some background on the use of section 203 powers in relations to land development. The cabinet discussed the complexities of the legislation including the requirements to consider each application on its merits and how the council can, if requested, exercise s203 powers on behalf of private developers.

The Mayor welcomed the report and noted the exempt appendices and the pre-decision scrutiny questions and officer responses. He noted there had been some emotive reactions from residents with regards to the proposed development, but indicated he felt the benefits of the scheme would outweigh the deficiencies. He moved the recommendations as set out and they were agreed without dissent. It was:

RESOLVED:

1. To delegate authority to the Corporate Director of Place to appropriate the Land for planning purposes in accordance with section 122 Local Government Act 1972 and subsequent use of the Council's powers under s203-s206 of the Housing & Planning Act 2016 to override rights to light of neighbouring properties that would be infringed by the William Brinson Centre redevelopment.
2. To delegate authority to the Corporate Director of Place to agree the settlement of rights of light claims with an affected party, together with any associated fees.
3. To authorise the Divisional Director, Legal to enter into any legal agreements considered necessary or desirable for the Council to put in effect the recommendations in the report.

4. To note that the cost of the proposed settlement of rights of light compensation payments and associated fees will be met from the capital budget for the William Brinson Centre scheme.

6.7 Adoption of character appraisals and management plans and approval of boundary changes for five conservation areas in Whitechapel

Councillor Asma Islam, Cabinet Member for Environment and Planning introduced the report which, proposed updated Character Appraisals and Management Plans for five conservation areas in and around Whitechapel. Councillor Asma Islam explained that the documents provide a detailed description of the architectural and historic character of the conservation areas and set out management guidelines on how their character should be preserved and enhanced in the context of appropriate ongoing change.

The Mayor welcomed the report and noted there were a number of conservation areas in the borough, some of which might require similar amendments and tweaks to be agreed in reports of this nature. He moved the recommendations as set out and they were agreed without dissent. It was:

RESOLVED

1. To approve for adoption the updated CAMPs [as set out in Appendix 1 to the report] for the following five conservation areas, so that they can be considered as a material planning consideration in the assessment of planning decisions:
 - Ford Square and Sidney Square
 - Myrdle Street
 - London Hospital
 - Whitechapel High Street
 - Whitechapel Market
2. To authorise the Corporate Director for Place to make any necessary factual or graphic design changes prior to publishing the final CAMPs.
3. To authorise the Corporate Director for Place to enact the proposed boundary changes to the five conservation areas as set out in Appendix 2 to the report.
4. To note the representation schedule, as set out in Appendix 3 to the report, which presents the representations received during the consultation and the responses to these.
5. To note the Equalities Impact Assessment as set out in Appendix 4 to the report.

6.8 George Green School: Procurement of works and services

Councillor Asma Begum, Deputy Mayor and Cabinet Member for Children, Youth Services, Education and Equalities introduced the report that sought cabinet's approval to progress the proposals for the redevelopment of George Green School. Councillor Begum advised that approval is sought to enable a multi-disciplinary team, including an architect to develop design proposals and provide such services as required. She advised that the delivery of the new school is hoped to be achieved via a phased approach without the need for an offsite decant.

Councillor Peter Golds, Leader of the Conservative Group, indicated he supported the proposal for the development without the need for an offsite decant, but suggested contingency provision be identified in case this cannot be achieved to avoid any disruption to education.

The cabinet discussed how the architectural design of the new school could reflect the unique aspects of the site and surrounding area.

The Mayor welcomed the report, which he felt represented an exciting opportunity for the local area and noted the pre-decision scrutiny questions and officer responses. He moved the recommendations as set out and they were agreed without dissent. It was:

RESOLVED:

1. To authorise the procurement of an architect and multi-disciplinary design team to take the design and construction through to completion and the inclusion of this contract on the Contracts Forward Plan.
2. To authorise the procurement of an Employer's Agent to take the construction through to completion.
3. To authorise the procurement of a construction contractor to undertake the construction work.
4. To note the budget approval of £51.400m for the development of George Green School and the funding sources identified and allocated for this purpose.
5. To authorise the Corporate Director place to award the contracts referred to above in consultation with the Corporate Director of Resources, subject to approval through the capital governance process and tenders being within the approved capital estimate.
6. To authorise the Corporate Director Place to enter into any agreements relating to and facilitating the above arrangements such as collateral warranties, novation agreements in order to protect the Council's interests.

7. To note the Equalities Impact Assessment as set out in Paragraph 4.1 of the report.

6.9 Vacant School Sites proposals

Councillor Mufeedah Bustin, Cabinet Member for Social Inclusion – (Job Share post as part of Social Inclusion and Public Realm portfolio) introduced the report that proposed four former school sites to be declared surplus to requirements and for delegated authority to be approved for meanwhile occupation and potential disposal on the open market.

The Mayor welcomed the report, noted the pre-decision scrutiny questions and officer responses and the exempt appendix. He moved the recommendations as set out and they were agreed without dissent. It was:

RESOLVED:

1. To formally declare Shapla School, Cherry Trees School and the building on Guardian Angels School site surplus to requirements.
2. To delegate authority to the Corporate Director of Place to enter into Meanwhile Use agreements pending disposal
3. To agree that future reports will be presented to Cabinet regarding the terms of disposal where appropriate.
4. To note that disposal of schools would be subject to DfE approval under Section 77 of the SSFA98, 'disposal/change of use of playing field land'.

6.10 St Matthias Sports Hall, Bacon Street, E2 6DY

Councillor Mufeedah Bustin, Cabinet Member for Social Inclusion – (Job Share post as part of Social Inclusion and Public Realm portfolio) introduced the report that sought agreement for the council to enter into a rental agreement with The London Diocesan Board for Schools for the letting of a sports hall. Councillor Bustin advised that, as part of the negotiations, some use of the hall for local primary schools had been secured.

The Mayor welcomed the report and noted the exempt appendix. He moved the recommendations as set out and they were agreed without dissent. It was:

RESOLVED:

1. To Note the terms for the proposed lease with the Diocese and delegate authority to the Corporate Director of Place to obtain any necessary consents required to the letting to the Diocese.
2. To Delegate authority to the Corporate Director of Place to enter and complete the lease.

3. Should the lease not complete for any reason, to delegate authority to the Corporate Director of Place to be able to declare the site as surplus to requirements and marketed.
4. Subject to receiving further legal advice, to delegate authority to the Corporate Director of Place to approve the removal of the restrictive covenant running across the School site if appropriate.

6.11 Canon Barnett Playground – Land Swap Agreement

Councillor Mufeedah Bustin, Cabinet Member for Social Inclusion – (Job Share post as part of Social Inclusion and Public Realm portfolio) introduced the report that sought cabinet agreement for a land swap in the vicinity of Canon Barnett School to facilitate a major new office development. Councillor Bustin explained that the proposed development would provide employment opportunities for the borough.

The Mayor welcomed the report and noted the pre-decision scrutiny questions and officer responses. The Mayor left the meeting very briefly during the consideration of this item, during which time, Councillor Asma Begum chaired the meeting. The Mayor returned before the conclusion of the item and indicated that, as he had not been present throughout, would not be voting on it. He moved the recommendations as set out and they were agreed without dissent. It was:

RESOLVED:

1. To authorise a S.77 application to be made by LBTH regarding the disposal of the current playground.
2. To approve the freehold disposal of the section of playground (shown as light blue on the plan) to Alliance Property Asia Incorporated for £8.8m plus acquisition of the section of land coloured green on the plan in the appendix to the report.
3. To authorise the Divisional Director, Legal to enter into any legal agreements considered necessary or desirable for the council to put into effect the recommendations in the report.

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 7.20 p.m.

MAYOR JOHN BIGGS