

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.34PM ON WEDNESDAY, 24 NOVEMBER 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 Motin Uz-Zaman	(Deputy Mayor and Cabinet Member for Work, Economic Growth and Faith)
Councillor Candida Ronald	(Cabinet Member for Resources and the Voluntary Sector)
Councillor Kahar Chowdhury	Cabinet Member for Highways and Public Realm – (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 Sport)
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 post as part of the Social Inclusion and Public Realm Portfolio))
Councillor Danny Hassell	(Cabinet Member for Housing)
Councillor Asma Islam	(Cabinet Member for Environment and Planning)
Councillor Sirajul Islam	(Cabinet Member for Community Safety)

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:

Jane Abraham	(Head of Capital Delivery)
Janet Fasan	(Director of Legal & Monitoring Officer)
Ann Sutcliffe	(Corporate Director, Place)
Will Tuckley	(Chief Executive)
Matthew Mannion	(Head of Democratic Services, Governance)

Officers in attendance remotely:

Kevin Bartle	(Interim Corporate Director, Resources and Section 151 Officer)
Terry Bryan	(Service Head (Pupil Access and School Sufficiency))
Mohammed Chibou	(Principal Transport Planner)
Thorsten Dreyer	(Head of Intelligence and Performance)
Sharon Godman	(Director, Strategy, Improvement and Transformation)
Steven Heywood	(Planning Officer, Plan Making Team)
Afazul Hoque	(Head of Corporate Strategy & Policy)
Dan Jones	(Director, Public Realm)
Marc Acton-Filion	(Planning Officer (Plan Making Team))
Peter Maskell	(Interim Head of Procurement)
Clare Matthews	(Strategy & Policy Manager)
Denise Radley	(Corporate Director, Health, Adults & Community)
Marissa Ryan-Hernandez	(Plan Making Team Leader)
Karen Swift	(Divisional Director, Housing and Regeneration)
James Thomas	(Corporate Director, Children and Culture)
Nisar Visram	(Director of Finance, Procurement & Audit)
Lola Williams	ALMO Client Officer

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no Declarations of Disclosable Pecuniary Interests. However, Councillor Rachel Blake and Councillor Asma Begum noted for transparency that they live (and for Cllr Blake owned a property) in the area referenced in Agenda Item 6.7 (Roman Road Bow Neighbourhood Plan).

3. UNRESTRICTED MINUTES**DECISION**

1. That the unrestricted minutes of the Cabinet meeting held on Wednesday 27 October 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 relation to the following agenda items:

- 6.1 Digital Inclusion Strategy
- 6.2 Liveable Streets Brick Lane
- 6.3 Strategic Delivery and Performance Reporting
- 6.4 Additions to the Capital Programme
- 6.5 Budget Monitoring report
- 6.7 Roman Road Bow Neighbourhood Plan
- 6.9 Planning for school places

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 Tower Hamlets Digital Inclusion Strategy and Action Plan

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

DECISION

1. To agree the partnership Digital Inclusion Strategy and priorities within the Digital Inclusion Action Plan.
2. To note the comments of finance regarding partnership funding and the growth bid.

Action by:

DIRECTOR OF STRATEGY, IMPROVEMENT AND TRANSFORMATION (S. GODMAN)

(Strategy and Policy Manager (C. Matthews))

Reasons for the decision

The pandemic has exacerbated inequalities in many ways, including impacting those already digitally excluded. The Digital Inclusion Strategy and Action Plan identifies key actions that should be undertaken in Tower Hamlets to improve overall digital inclusion and enable all our residents to access the benefits of digital technology and the internet. Improving digital inclusion is a key theme emanating from the Black, Asian and Minority Ethnic Commission, the Poverty Review and our Covid-19 impact assessments.

Alternative options

Cabinet could choose to not approve the Digital Inclusion Strategy and Action Plan. This would mean a continuation of the status quo. While some digital inclusion interventions may continue, this would leave many of those identified as digitally excluded without support. Existing inequalities would be further compounded by the increasing trend to move services online (across both the public and private sector) and those without the access and skills to get online would be further excluded. Interventions would continue to go un-coordinated, resulting in missed opportunities for residents and inefficiencies.

6.2 Liveable Streets Brick Lane review outcome report

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

DECISION

1. To approve the removal of the southern-most closures which include the following:
 - Brick Lane between Chicksand Street and Fashion Street
 - Brick Lane between Fournier Street and Princelet Street
 - Brick Lane between Princelet Street and Hanbury Street
2. To approve the amendment of closure times for the remaining closures to 12pm-11pm Saturday and Sunday.
3. To approve the restoration of one way east bound operation to Fournier Street and the one way east bound operation of the western section of Princelet Street between Wilkes Street and Brick Lane.
4. To note the Equalities Impact Assessment and specific equalities considerations summarised in paragraph 4 of the report and the full Equalities impact Analysis (EqIA) detailed in Appendix B to the report; and
5. To approve the use of an Experimental Traffic Order for the amended scheme design to allow any objections, comments or observations to be made before a review is undertaken within 18 months of its implementation.

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

(Director of Public Realm (D. Jones)

(Team Leader, Programme Commissioning and Monitoring (M. Chibou)

Reasons for the decision

An extensive engagement process has been undertaken through this review including paper, online and onsite surveys with residents, businesses and internal council services.

This proposal will address concerns relating to the impact of the closures on local businesses and local residents whilst retaining the benefits of reducing a high volume of vehicles using Brick Lane during the weekend which is the busiest time for pedestrians.

The restoration of one way east bound operation to Fournier Street and the one way east bound operation of the western section of Princelet Street will address resident concerns of increased traffic particularly on Princelet Street.

The Brick Lane proposals will be affecting two wards.

Alternative options

Throughout the consultation, we have received suggestions and alternative proposals which have been assessed by the project team for viability and alignment with the Liveable Streets objectives. These include:

- The complete removal of the scheme
- For the closures to be seasonal and only apply in the warmer months of the year to accommodate outdoor seating

The justifications for discounting both alternatives are summarised below:

A complete removal of the scheme

The closures have been successful in restricting through traffic along Brick Lane at the times they are in operation. The complete removal of these closures would undermine the objectives of the scheme by allowing traffic to go from Whitechapel High Street through to Bethnal Green Road. Furthermore, there is significant support for some form of traffic closures on Brick Lane particularly on the northern section of Brick Lane and on Saturdays and Sundays.

Seasonal closures

The changing of the one-way directions of Fournier Street and Princelet Street are required to ensure access for those residents' access either side of Brick Lane during closure times. Closures between Chicksand Street and Hanbury Street on some months of the year would be unworkable as the one ways on Fournier Street and Princelet Street would need to be changed every year. This would be unfeasible given the required traffic management changes, bays removals and signage changes.

6.3 Strategic delivery and performance reporting – Q2 2021/22

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

DECISION

1. To note the strategic delivery and performance report for quarter 2 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, Improvement and Transformation (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 Additions to the Approved Capital Programme 2021-22 to 2023-24

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

DECISION

1. To approve the inclusion of the additional capital schemes and amendments to existing capital schemes, as set out in the report, into the council's 2021-2024 Approved Capital Programme
2. To note the funding sources for the additional schemes being added to the Approved Capital Programme 2021/22 to 2023/24
3. To agree that approval to proceed to award contracts for works and services be delegated to the Corporate Director of Place, in consultation with the Corporate Director of Resources, subject to approval through the capital governance process and tenders being within the approved capital estimate.

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

(Interim Head of Capital Delivery (J. Abraham))

Reasons for the decision

Additional capital schemes have progressed through the capital governance process since the current capital programme was updated in June 2021. Identified funding sources for the new additions to the General Fund capital programme are from external grant, s106 contributions and CIL, including LIF. These have been identified and allocated. No capital receipts or borrowing is required. In accordance with the council's financial regulations, formal approval from Cabinet is required for these schemes to be included in the 2021-24 Approved Capital Programme. The report includes changes to existing capital schemes which have progressed through the capital governance process and require approval totalling £8.408m.

Alternative options

In previous years, an alternative route for capital programme approvals has been through the Quarterly Monitoring Report prepared by Corporate Finance, however, a stand-alone report for approvals and additions to the capital programme is more open and transparent.

In order to maintain the pace of delivery, this report seeks approval for the schemes listed, in line with the approach agreed by the Mayor in Cabinet in June 2019.

6.5 Budget monitoring report 2021-22 as at 30th September 2021 (period 6)

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

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 September 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 September 2021;
4. To note that there are no equalities implications directly resulting from this report, as set out in Section 4 of the report.

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.

6.6 Contracts Forward Plan 2021/22 – Quarter Three

DECISION

1. To note the contract summary at Appendix 1 to the report.
2. To agree that all listed contracts proceed to contract award after tender.
3. To authorise the relevant Corporate Director to approve the execution of all necessary contract documents in respect of the awards of contracts referred to at recommendation 2 above.
4. To note the procurement forward plan 2021-2025 schedule detailed in Appendix 2 to the report.

Action by:

INTERIM CORPORATE DIRECTOR, RESOURCES (K. BARTLE)

(Interim Head of Procurement (P. Maskell))

Reasons for the decision

The Council's Procurement Procedures require submission of a quarterly forward plan of contracts for Cabinet consideration, and it is a requirement of the Constitution that "The contracting strategy and/or award of any contract for goods or services with an estimated value exceeding £1m, and any contract for capital works with an estimated value exceeding £5m shall be approved by the Cabinet in accordance with the Procurement Procedures". This report fulfils these requirements for contracts to be let during and after quarter three of the current financial Year.

Alternative options

Bringing a consolidated report on contracting activity is considered the most efficient way of meeting the requirement in the Constitution, whilst providing full visibility of contracting activity; therefore no alternative proposals are being made.

6.7 Roman Road Bow Neighbourhood Plan – Validation of Submission

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

DECISION

1. To approve the Roman Road Bow Neighbourhood Plan to be submitted for examination, on the basis that it is compliant with the necessary regulations under the Neighbourhood Planning (General) regulations 2012.
2. To authorise the Divisional Director of Planning and Building Control, in consultation with the Cabinet Member for Environment and Planning, to provide comments on behalf of the Council on the submission version of the neighbourhood plan during the Regulation 16 publicity period.
3. To agree that the Council should proceed to appoint an examiner of the neighbourhood plan with the consent of the Roman Road Bow Neighbourhood Forum.
4. To note the Equalities Impact Assessment considerations as set out in Paragraphs 7.1 and 7.2 of the report.

Action by:

CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

(Plan-Making Officer (M. Acton Fillion))

Reasons for the decision

Tower Hamlets Council has received a submission of a draft Roman Road Bow Neighbourhood Plan under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').

The Council is required to consider whether the submission of the neighbourhood plan meets the legal requirements for such plans under Schedule 10 of the Localism Act 2011. If the submission meets those requirements, the neighbourhood plan should be taken forward to formal consultation and examination.

Officers have assessed the submission against the relevant legislation and regulations and are satisfied that the Roman Road Bow Neighbourhood Plan as submitted meets the requirements to proceed to consultation and examination. This is the reason for recommendation 1 above.

Under Regulation 16 of the 2012 Regulations, the Council must publicise and consult on the submission documents 'as soon as possible' after receiving them (assuming they meet the requirements of the legislation).

The Council organises the consultation under Regulation 16, but is also able to respond to that consultation as an interested party. An adopted neighbourhood plan will form part of the Council's development plan and will

have full weight in decision making on planning matters in the neighbourhood plan area. This is the reason for recommendation 2 above.

Schedule 10 of the Localism Act 2011 requires an independent examiner of the neighbourhood plan to be appointed, who will examine the plan following the Regulation 16 consultation. This person should be appointed with the consent of the neighbourhood forum. This is the reason for recommendation 3 above.

Alternative options

The Council may decline to consider a neighbourhood plan submission if it is considered a repeat submission; or can decline to take forward a neighbourhood plan if it is considered not to meet the legislative requirements. If the neighbourhood plan submission meets the legislative requirements and does not meet the definition of a repeat proposal, it must be taken forward.

Officers consider that the submission meets the legislative requirements, and it is the first submission of a Roman Road Bow Neighbourhood Plan and cannot be considered a repeat proposal, and therefore must be taken forward to consultation and examination. Consequently, there is no alternative option provided.

6.8 Building Safety Management Shadow Framework

DECISION

1. To approve the LBTH/THH's Shadow (Residential) Building Safety Framework as outlined in Appendix 1 to the report, noting that it is an interim framework which is subject to change pending the Building Safety Bill progressing through Parliament.
2. To approve delegated authority for Corporate Director of Place to recruit to the new Council role of Building Safety Lead (Client Team).
3. To appoint THH as the Interim Building Safety Manager.
4. To note that in due course amendments will be required to the Council's Constitution to delegate appropriate responsibilities to the Building Safety Lead (Client Team).
5. To note that any required budget to fund the new building safety roles will be applied for through the budget setting process.
6. To consider a further report on the recommended final (Residential) Building Safety Framework pending the Building Safety Bill passing through the final stages in Parliament or when the requirements of the impending Act become clear.

Action by:

CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)
(Director of Housing and Regeneration (K. Swift))

Reasons for the decision

It will be a statutory requirement for all landlords of applicable high-rise buildings to adhere to the Building Safety Act once implemented, which is anticipated to be between April 2023 to January 2024. The Shadow Building Safety Framework will enable the Council in collaboration with THH to prepare for the emerging Act by having a framework, which will enable the preparation and planning for the forthcoming Act and providing safe homes for our residents.

The framework will provide clear lines of responsibilities.

To mitigate any risk to the Council of prosecution by the soon to be established Building Safety Regulator, the Council must be prepared to comply with the upcoming Building Safety Act.

To receive approval for the recruitment to a new post of Building Safety Lead (Client Team) as outlined in 3.6.1 of the report

The new framework would need to be in place prior to the Building Safety Bill receiving royal assent, which is anticipated to be between April to July 2022. See Appendix 2 to the report for the Transition Plan for the Building Safety Bill.

For the Cabinet Member for Housing to note their responsibility as portfolio lead in the Building Safety Management Framework for residential properties.

Alternative options

Outsource the building safety statutory responsibilities to THH or a third-party organisation. This will not be possible as the Accountable Person needs to be the person or entity which holds a legal estate in possession of the building (i.e., the Council as freeholder/landlord in this case).

Do nothing – this is not an option as it is a statutory responsibility for the Council as the landlord, to comply with the upcoming Building Safety Act. The Council needs a framework in place to properly prepare for the Act which will have significant risks of prosecution for non-compliance.

6.9 Planning for School Places 2021/22 Review and Recommendations

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

DECISION

1. To note the latest five to seven year pupil place projections for the Tower Hamlets area, prepared in conjunction with the Greater London Authority and in consultation with neighbouring local authorities;
2. To note the progress made and latest position in relation to:
 - supply of primary school places in the borough;

- the plans and options for future school developments to meet the need for additional primary places in the east of the borough;
 - the progress of the development of the new Mulberry Academy Secondary School at London Dock for September 2023;
 - the progress of the development of the site at Westferry Printworks to serve as a new building for Canary Wharf College 3 Free School;
 - the progress and plans for the rebuild of George Green's Secondary School;
3. To agree the recommendation for a statutory notice to be issued for the proposed amalgamation (merger) of Old Church Nursery and Marion Richardson Primary Schools (paras 3.26-3.32 of the report).
 4. To note the specific equalities considerations as set out in Paragraph 5 and Appendix 3 to the report.
 5. To note that the content of this report aligns with the functions of the council as a Local Planning Authority, and the approach taken to make best use of the current allocation of school sites in the Local Plan.

Action by:**CORPORATE DIRECTOR, CHILDREN AND CULTURE**

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

Reasons for the decision

The council has a statutory responsibility to ensure there are sufficient school places available for children and young people in the right areas and at the right time to meet demand, whilst maintaining a focus on high quality education as well as enabling a culture of high performing and financially sustainable schools. This includes both maintained and academy schools.

There is also the requirement to address both deficit and surplus places across the school estate. It is therefore essential to consider how to organise schools for the efficient and effective delivery of education. Any financial additionality which results from significant change to the schools estate is redistributed to schools through the funding formula.

Proposals to provide school places will often require long-term planning to implement (e.g. opening a new school or expanding an existing one). Evidence about the projected need for places must therefore be robust and reviewed regularly, in order to identify emerging need and new projects to inform the council's sufficiency strategy.

Alternative options

If the council is not able to establish new school places 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 can address capacity issues in the short - term, they do not provide best value and should not therefore be viewed as a sustainable approach to meeting increased demand for school places.

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 7.16pm

Mayor John Biggs