

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE CABINET****HELD AT 5.42 P.M. ON WEDNESDAY, 25 OCTOBER 2023****COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL****Members Present in Person:**

Mayor Lutfur Rahman	
Councillor Maium Talukdar	(Deputy Mayor and Cabinet Member for Education, Youth and Lifelong Learning (Statutory Deputy Mayor))
Councillor Kabir Ahmed	(Cabinet Member for Regeneration, Inclusive Development and Housebuilding)
Councillor Saied Ahmed	(Cabinet Member for Resources and the Cost of Living)
Councillor Suluk Ahmed	(Cabinet Member for Equalities and Social Inclusion)
Councillor Gulam Kibria Choudhury	(Cabinet Member for Health, Wellbeing and Social Care)
Councillor Abu Chowdhury	(Cabinet Member for Safer Communities)
Councillor Iqbal Hossain	(Cabinet Member for Culture and Recreation)
Councillor Kabir Hussain	(Cabinet Member for Environment and the Climate Emergency)
Councillor Abdul Wahid	(Cabinet Member for Jobs, Skills and Growth)

Other Councillors Present in Person:

Councillor Musthak Ahmed	Chair of Overview and Scrutiny Committee
Councillor Ahmodur Khan	Scrutiny Lead for Adults and Health Services

Others Present in Person:

Francesca Okosi	Chief People and Culture Officer, NHS North East London
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Officers Present in Person:

Stephen Halsey	(Chief Executive)
Denise Radley	(Corporate Director, Health and Social Care)
Janet Fasan	(Director of Legal & Monitoring Officer)
Sam Harney	(Mayor's Political Advisor)
Nicola Klinger	(Housing Companies Manager)
Filuck Miah	(Strategy and Policy Officer, Strategy, Improvement and Transformation Service)
Raj Mistry	Corporate Director for Communities
Katie O'Driscoll	(Director of Adult Social Care)
Jennifer Peters	(Divisional Director, Planning and Building Control, Place)
Marissa Ryan-Hernandez	(Plan Making Team Leader)

Karen Swift	(Divisional Director, Housing and Regeneration)
James Thomas	(Corporate Director, Children's Services)
David Tolley	(Head of Environmental Health and Trading Standards)
Joel West	(Democratic Services Team Leader (Committee))
Matthew Wong	Planning Officer

Officers In Attendance Virtually:

John Harrison	Interim Director of Finance, Procurement and Audit
Jignesh Parmar	(Head of Procurement)

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

In relation to Item 6.10, Councillors Abu Chowdhury, Maium Talukdar and Abdul Wahid declared they were current members of the Tower Hamlets Homes Board, having been nominated by the Mayor.

3. UNRESTRICTED MINUTES

RESOLVED:

1. That the unrestricted minutes of the Cabinet meeting held on Wednesday 20 September 2023 be approved and signed by the Mayor 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

See the minutes.

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

None.

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 MTFs and Budget Scene Setting 2024-27

DECISION

1. Note the current projected MTFs budget position in paragraph 3.2.2.
2. Note the actions set out in section 3.4 that are being taken to address the budget gap.

Action by: CORPORATE DIRECTOR, RESOURCES (JULIE LORRAINE)
(Interim Director of Finance, Procurement and Audit (John Harrison))

Reasons for the decision

The Council is required to set a balanced budget and Council Tax Levels for the financial year 2024/25 by 11 March 2024 at the latest. The Council undertakes a budget setting process through out the year to ensure a robust and consulted budget is presented to Council for approval before this date.

This report provides an update on the MTFs position since it was approved by Council in March 2023 and gives an overview of the budget setting process that is being undertaking to present Council with a proposed budget for 2024/25.

Alternative options

Section 30(6) of the Local Government Finance Act 1992 provides that the Council has to set a balanced budget before 11 March each year. Options to set a balanced budget by the statutory deadline will be presented to members as part of the budget setting process.

6.2 Continuation of Business Rates Pooling

DECISION

1. Continue the Council's participation in the 8 Authority Pool for Business Rates with seven other London Local Authorities for 2024-25.

Action by: CORPORATE DIRECTOR, RESOURCES (JULIE LORRAINE)
(Interim Director of Finance, Procurement and Audit (John Harrison))
(Head of Strategic and Corporate Finance (Chris Leslie))

Reasons for the decision

Through membership of the business rates pool to date, the Council is projected to gain £5.1m (£3.5m in 2022/23 and £1.6m in 2023/24). It is expected that through continued membership in 2024/25 the Council would benefit from a further c£2m.

Each year the Government requires Local Authorities to confirm their membership of business rates pools. This report seeks approval for the London Borough of Tower Hamlets to continue in the 8 Authority Pool for Business Rates with seven other London Local Authorities.

Alternative options

The alternative is not to join the pool. As there must be geographical connections between pooling authorities there are no alternative pools to join currently.

6.3 Record of Corporate Directors Action 23-24 Q1**DECISION**

1. To note the Record of Corporate Directors' Actions set out in Appendix 1 to the report.

Action by: CORPORATE DIRECTOR, RESOURCES (JULIE LORRAINE)
(Interim Director of Finance, Procurement and Audit (John Harrison)
(Head of Procurement (Jignesh Parmar)

Reasons for the decision

The Council's constitution requires that Corporate Director's Actions in respect of contracts over £100,000 must be reported to Cabinet for noting. The regular reporting of Corporate Director's Actions should assist in ensuring that Members are able to scrutinise officer decisions

Alternative options

The Council is bound by its constitution to report to Cabinet financial decisions taken under Corporate Director's Actions. If the Council were to deviate from those requirements, there would need to be a good reason for doing so. It is not considered that there is any such reason, having regard to the need to ensure that Members are kept informed about decisions made under the delegated authority threshold and to ensure that these decisions are in accordance with Financial Regulations.

6.4 Contracts Forward Plan (Quarter 2 2023/2024)**DECISION**

1. Note the contract summary at Appendix 1 to the report.
2. Authorise the appropriate Corporate Director in consultation with the Mayor to award those contracts set out in Appendix 1 to the report, following an appropriate procurement exercise.
3. Authorise the Director Legal Services (Monitoring Officer), to execute all necessary contract documents in respect of the awards of contracts, subject to an appropriate award decision being achieved.
4. Note the procurement forward plan 2023-2028 schedule detailed in Appendix 2 to the report.

Action by: CORPORATE DIRECTOR, RESOURCES (JULIE LORRAINE)
(Interim Director of Finance, Procurement and Audit (John Harrison)

(Head of Procurement (Jignesh Parmar))

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 as amended by the General Purposes Committee held on 05 October 2021. This report fulfils these requirements for contracts to be let during and after quarter one 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.

6.5 Action Plan Response to Health and Adults Scrutiny Sub-Committee Review and Recommendations Report on 'Workforce Shortages Across The Health and Care Sector'

DECISION

1. To agree the council's action plan response on the HASSC scrutiny review report recommendation on 'Workforce Shortages Across the Health and Care Sector.
2. To note the action plan response on the HASSC scrutiny review report recommendation on 'Workforce Shortages Across the Health and Care Sector provided by the executive and Northeast London Integrated Care Board (NEL ICB) to the report recommendations.

Action by: DIRECTOR STRATEGY, POLICY AND PERFORMANCE (ROBIN BEATTIE)

(Head of Service, Corporate Strategy and Communities (Afazul Hoque))

Reasons for the decision

The Council's constitution requires the executive to respond to the recommendations of the Health and Adults Scrutiny Sub-Committees.

The attached action plan report represents the executive's and NEL ICB's joint response to the HASSC recommendations concerning workforce shortages in the health and care sector.

Alternative options

Taking no action is not advisable since the HASSC scrutiny review provides evidence of the impact of workforce shortages on various health-related areas. Both the council and NEL ICB should take action and recognise the

crucial role the health and care sector plays in maintaining the population's health and well-being.

6.6 Tower Hamlets - Safeguarding Adults Board Annual Report 2022-23

DECISION

1. To note the Safeguarding Adults Board Annual Report 2022-23.

Action by:

CORPORATE DIRECTOR, ADULT SOCIAL CARE (DENISE RADLEY)

Strategic Boards Manager (Ranjit Matharu)

Reasons for the decision

It is a statutory requirement to publish a Safeguarding Adults Board annual report. 2014 Care Act statutory guidance states that one of the three core duties of a Safeguarding Adults Board is: "It must publish an annual report detailing what the SAB has done during the year to achieve its main objective and implement its strategic plan, and what each member has done to implement the strategy as well as detailing the findings of any safeguarding adults reviews and subsequent action¹".

Alternative options

There are no alternative options given that the Safeguarding Adults Board must publish an annual report.

6.7 Additional Licensing Houses in Multiple Occupation Designation

DECISION

1. Note the results of the consultation undertaken in relation to the proposed Additional Licensing Scheme as summarised in the report.
2. Designate all wards in the Borough as subject to Additional Licensing under section 56(1) of the Housing Act 2004 in relation to multiple-occupied properties occupied by three or more persons in two or more households where some or all the facilities are shared. Such designation to take effect from 1st April 2024 and to last for five years unless revoked before then.
3. Agree the fee structure for the Additional Licensing Scheme as set out in the report, with the fees being determined during the budget setting process for 24/25. The application fee will be apportioned for administrative and enforcement costs.
4. Agree the Additional Licensing Scheme licence conditions, fit and proper person protocol and private rental property standards as

¹ Section 14.136 <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#safeguarding-1>

detailed for adoption at the commencement of the new designation. The revised private rental property standards, revised conditions and fit and proper person protocol will also apply as necessary, to the mandatory Houses in Multiple Occupation, current Additional Licensing and Selective Licensing schemes from the 1st January 2024.

5. To delegate the Corporate Director Communities authority to issue the required statutory notifications in relation to the commencement of the Additional Licensing Scheme designation.
6. To agree that there are no exemptions apart for the statutory exemptions.

Action by:

CORPORATE DIRECTOR, COMMUNITIES (RAJ MISTRY)

Head of Environmental Health and Trading Standards (David Tolley)

Reasons for the decision

The continuance and extension of this licensing scheme will enable the Council to impose a legal requirement, in the designated area, on all landlords to apply for a licence for each property they rent out which meets the criteria specified in the designation and comply with specific licence conditions, thus giving the Council more power to tackle irresponsible letting of properties.

In addition, improving physical standards and the quality of management in the PRS will deliver social and health benefits as discussed in the Mayhew evidential report. The links between poor health through damp and mould and overcrowding are well established. An improved PRS sector will have an impact across many different partner organisations.

Alternative options

The Additional Licensing scheme is an adoptive power that the Mayor has under the Housing Act 2004. A view can be taken not to renew the extended Additional Licensing scheme and permit the current scheme to come to a natural end. This would mean that no more licences under the existing additional licensing scheme would be issued and as the existing licences expire, all requirements and conditions associated with the licence would fall away. This would mean that the only licensing scheme for HMOs would be the mandatory licensing.

There is also the option to retain the scheme in its current format and not extend its reach into the current selective licensing area i.e., Weavers, Whitechapel, Spitalfields and Banglatown.

There is the option to use the current existing powers under part 1 of the Housing Act 2004 which does not rely on licensing. Using these powers, the Council would only intervene on a complaint basis. This is reactive and has no strategic intervention objectives, there could also be under reporting of complaints due to the fear of retaliatory evictions.

The Council could rely upon voluntary accreditation. This would tend to attract the responsible landlords and be ignored by the irresponsible. There is not a strong incentive for irresponsible managing agents or landlords to join.

6.8 Tower Hamlets New Local Plan: Regulation 18 Consultation Draft

DECISION

1. Approve the publication of the Regulation 18 – Tower Hamlets Draft Local Plan 2038: (Appendix 1 to the report) for formal consultation;
2. Approve the publication of the Regulation 18 – Tower Hamlets Draft Local Plan 2038: Integrated Impact Assessment (IIA) and other supplementary information, including draft evidence base studies (as Table 1) on the Council's website, at the Town Hall and other locations in accordance with the Council's Statement of Community Involvement, alongside the Tower Hamlets Draft Local Plan 2038.
3. Provide approval to make any amendments to the documents in advance of public consultation commencing. Any such amendments to be made through the delegated authority of the Corporate Director Housing and Regeneration in consultation with the Mayor.

Action by:

INTERIM CORPORATE DIRECTOR, HOUSING AND REGENERATION (JENNIFER PETERS)

Head of Service for Strategic Planning (Marissa Ryan-Hernandez)
Plan Making Manager (Matthew Wong)

Reasons for the decision

The Cabinet is asked to agree with the officer's recommendations and approve the Draft new Local Plan document for formal consultation.

Alternative options

Alternative Option A: No Change to Existing Local Plan: the Council could decide not to prepare a new Local Plan at this time.

Alternative Option B: Partial Review of Existing Local Plan: the Council could choose to respond by review of only those policies in the current Local Plan that relate directly to changes in legislation, to fulfil only legal and statutory requirements.

The reasons why these alternative options were not recommended is set out in the report attached to the agenda item.

6.9 Statutory Transfer Scheme to support the proposed transfer of town planning powers from the London Legacy Development Corporation to Tower Hamlets

DECISION

1. Confirm their support for the statutory process for the transition of planning powers from the London Legacy Development Corporation to Tower Hamlets.
2. Delegate any further amendments to and completion of the Statutory Transfer Scheme and supporting documents to the Corporate Director of Housing and Regeneration in consultation with the Mayor.
3. Authorise the Director of Legal Services to complete any legal steps that might be required prior to and as a consequence of the transition of planning powers from the London Legacy Development Corporation to Tower Hamlets.

Action by:

INTERIM CORPORATE DIRECTOR, HOUSING AND REGENERATION (JENNIFER PETERS)

Head of Development Management (Paul Buckenham)

Reasons for the decision

To facilitate the transfer of rights and liabilities relating to Town Planning functions from the London Legacy Development Corporation to Tower Hamlets.

Alternative options

Alternatively the Mayor could decide not to confirm consent to the Statutory Transfer Scheme. This would signal to the London Mayor and Secretary of State that the Council does not support the proposed return of town planning functions for the parts of Bromley North and Bow East Wards that are currently within the LLDC planning area.

6.10 Tower Hamlets Homes Articles of Association and Board of Directors

DECISION

1. Agree to the Tower Hamlets Homes Limited Articles of Association to be changed to the articles set out in Appendix One to the report.
2. Appoint a board of three directors, comprised of council officers and members, as set out in s3.9.16 of the report.
3. Nominate the following persons as board directors:
 - Mayor Lutfur Rahman (Chair of board)
 - Councillor Abu Talha Chowdhury

- Denise Radley, Corporate Director Health and Social Care and Deputy Chief Executive.

4. Agree the process for winding up Tower Hamlets Homes Limited will be via a members' voluntary liquidation.

Action by:**INTERIM CORPORATE DIRECTOR, HOUSING AND REGENERATION (JENNIFER PETERS)**

Director of Housing (Karen Swift)

Programme Lead – Housing Management Strategic Review (Nicola Klinger)

Reasons for the decision

On 1 November all housing management services will transfer back to the council and the Management Agreement between the Council and Tower Hamlets Homes Limited (THH) will end.

However, the Company will continue to exist for a short time to enable compliance with law (e.g., Companies Act 2006) and compliance with registrar (Companies House) rules.

Alternative options

The board composition could remain as it is or indeed be constituted in any way, as long as there is at least one director.

The current Articles of Association could remain as they are without any amendments, however this would risk the effective wind up of Tower Hamlets Homes Limited. This is due to requirements placed on appointment of Independent and Tenant Board Members, and attendance of at least one Tenant Board Member and two Council Board Members to form a quorum.

The new proposed set of Articles of Association could set a different minimum or maximum of number of directors. However, the proposed set of Articles would not prevent the Shareholder appointing any number of directors (and changing this number from time to time), rather it just ensures the minimum is one director to comply with Company Law.

The wind-up process must either be undertaken via members' voluntary liquidation or strike off the Company from the Companies Register; these are the only two available options. The members' voluntary liquidation process is recommended for reasons detailed in the report.

7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

None.

8. EXCLUSION OF THE PRESS AND PUBLIC

A motion to exclude press and public was not required.

9. EXEMPT / CONFIDENTIAL MINUTES

None.

10. OVERVIEW & SCRUTINY COMMITTEE

10.1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business

None.

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

None.

11. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION

None.

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

None.

The meeting ended at 7.02 p.m.

Mayor Lutfur Rahman
Cabinet