

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE CABINET

HELD AT 5.30 P.M. ON WEDNESDAY, 7 APRIL 2010

COMMITTEE ROOM, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**Members Present:**

Councillor Lutfur Rahman (Chair)	(Leader of the Council)
Councillor Ohid Ahmed	(Lead Member, Resources and Performance)
Councillor Rofique U Ahmed	(Lead Member, Culture and Leisure)
Councillor Abdul Asad	(Lead Member, Children's Services)
Councillor Marc Francis	(Lead Member, Housing and Development)
Councillor Rania Khan	(Lead Member, Regeneration, Localisation and Community Partnerships)
Councillor Joshua Peck (Vice-Chair)	(Deputy Leader of the Council)
Councillor Oliur Rahman	(Lead Member, Employment and Skills)
Councillor Abdal Ullah	(Lead Member, Cleaner, Safer, Greener)

Other Councillors Present:

Councillor Stephanie Eaton	(Leader Liberal Democrat Group)
Councillor Sirajul Islam	(Chair, Overview & Scrutiny Committee)

Officers Present:

Kevan Collins	– (Chief Executive)
Isobel Cattermole	– (Acting Corporate Director, Children, Schools & Families)
Aman Dalvi	– (Corporate Director, Development & Renewal)
Isabella Freeman	– (Assistant Chief Executive [Legal Services])
Helen Taylor	– (Acting Corporate Director Adults Health & Wellbeing)
Mohammed Ahad	– (Scrutiny Policy Officer)
Robin Beattie	– (Acting Head, Strategy & Resources Communities, Localities and Culture)
Margaret Cooper	– (Head of Transportation & Highways)
Alan Finch	– (Service Head, Corporate Finance, Resources)
Afazul Hoque	– (Scrutiny Policy Manager, Scrutiny & Equalities, Chief Executive's)
Jackie Odunoye	– (Service Head Strategy Regeneration and Sustainability, Development & Renewal)
Kelly Powell	– (Communications Officer, Communications, Chief

	Executive's)
Alison Thomas	– (Private Sector and Affordable Housing Manager)
Louise Fleming	– (Acting Executive Team Leader, Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Mr Stephen Halsey, Corporate Director Communities Localities and Culture, who was deputised for by Mr Robin Beattie, Service Head Strategy and Resources.
- Mr Chris Naylor, Corporate Director Resources, who was deputised for by Mr Alan Finch, Service Head Corporate Finance.

Noted.

2. DECLARATIONS OF INTEREST

Councillor Ohid Ahmed, Lead Member Resources and Performance, declared a personal interest in Agenda item 10.1 “Communities, Localities and Culture Directorate Capital Programme” (CAB 142/090). The declaration of interest was made on the basis that the report contained recommendations relating to the London Thames Gateway Development Corporation, on which Councillor Ahmed was a board member.

Councillor Abdul Asad, Lead Member Children, Schools and Families, declared a personal interest in Agenda item 7.2 “Children and Young People’s Plan Annual Refresh 2010/11” (CAB 138/090). The declaration of interest was made on the basis that the report contained recommendations relating to youth service provision in the Borough, and Councillor Asad was employed by a Borough youth service provider.

Councillor Rania Khan, Lead Member Regeneration, Localisation and Community Partnerships, declared a personal interest in Agenda item 7.1 “Wellington Primary School – Proposed Expansion” (CAB 137/090). The declaration of interest was made on the basis that the school was situated in Councillor Khan’s ward.

Councillor Rofique U Ahmed, Lead Member Culture and Leisure, declared a personal interest in Agenda item 10.1 “Communities, Localities and Culture Directorate Capital Programme” (CAB 142/090). The declaration of interest was made on the basis that the report contained recommendations relating to sites within his ward.

Councillor Lutfur Rahman, Leader of the Council, declared a personal interest in Agenda item 20.1 “Osmani Centre Building Project – Lease” (CAB 143/090). The declaration of interest was made on the basis that the site in question was within his ward.

Noted**3. UNRESTRICTED MINUTES**

The Chair **Moved** and it was **Resolved**

That the unrestricted minutes of the ordinary meeting of the Cabinet held on 10th March 2010 be approved and signed by the Chair, as a correct record of the proceedings subject to the following amendments in italics:

Minute item 6.7 "Adoption of Capital Estimate for Housing Investment Programme 2010/11..."

"Reservation was expressed regarding the Buywell project...and only those *shops district centres* where there was an identified lack of *opportunities to buy* fruit and vegetables."

"In response to Members' questions...would take place regarding lease agreements *and report back to the Deputy Leader of the Council.*"

"6. That utilisation of £505,000 or available Local Authority Business Growth... and only those *shops district centres* where there was an identified lack of *opportunities to buy* fruit and vegetables."

4. DEPUTATIONS & PETITIONS

The Clerk advised that the Assistant Chief Executive (Legal Services) had not received any requests for deputations or petitions in respect of business contained in the agenda.

5. OVERVIEW & SCRUTINY COMMITTEE**5.1 Chair's advice of Key Issues or Questions in relation to Unrestricted Business to be considered**

Councillor Sirajul Islam, Chair of the Overview and Scrutiny Committee, addressed the Members of the Cabinet, following the Overview and Scrutiny Committee held 6th April 2010:

- Thanking Councillor Marc Francis, Lead Member Housing Development, for attending the meeting to respond to the deputation regarding Car Free Developments and Parking Permit Arrangements at Gaverick Mews. Cllr Islam advised the Cabinet that the Committee would undertake a scrutiny review on the issue.
- Thanking Councillor Lutfur Rahman, Leader of the Council for attending the Scrutiny Spotlight Session and giving a detailed presentation and answering the Committee's questions on the governance arrangement with Tower Hamlets Homes, affordable homeownership and youth provision for girls.

- Reporting the agreement of the Committee of a number of scrutiny reviews and thanking all the Scrutiny Leads and Members who took part.

The Chair, in **Moving** the recommendation, thanked Councillor Islam and the other members of the Overview and Scrutiny Committee for their work over the last municipal year, particularly their positive engagement with the Cabinet and the valuable check and balance service they had provided. It was

Resolved

That the comments of the Overview and Scrutiny Committee be noted.

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

The Clerk advised that no provisional decisions taken by the Cabinet at its meeting held on 10th March 2010 had been referred back to Cabinet by the Overview and Scrutiny Committee for further consideration.

6. A GREAT PLACE TO LIVE

6.1 Compulsory Purchase Action for 2 long-term vacant properties (CAB 136/090)

Councillor Marc Francis, Lead Member Housing and Development, introduced the item at the request of the Chair. Ms Alison Thomas, Private Sector and Affordable Housing Manager, presented the report outlining the salient points.

Members considered the alternative options, as set out in the report and below:

- No Action - It was believed that without the Council's intervention the properties would remain derelict and unused.
- Enabling and Encouragement – Council officers had been in contact with the owners since 2004. There had been exhaustive attempts to enable and encourage the owners but unfortunately the properties remained unoccupied and derelict.

Members stated that compulsory purchase powers should only be used when all other methods of resolving a situation had been exhausted. However, they were satisfied that in this instance, it was an appropriate measure taking into consideration efforts made by officers previously. Members also requested that the issue of car free agreements imposed on small scale developments should be considered when looking at the wider policy.

The Chair **Moved** and it was

Resolved

1. That the land and buildings as identified on the plan attached at Appendix 1 (CAB 136/090), be made the subject of a Compulsory Purchase Order (CPO) under the provisions of Section 17 of the Housing Act 1985 for the purpose of providing housing accommodation;
2. That the Assistant Chief Executive (Legal) be authorised to take all necessary steps to:
 - (a) make and obtain confirmation of the Compulsory Purchase Order
 - (b) obtain possession of the properties and land following confirmation
 - (c) complete the acquisition of the properties and land and effect immediate disposal in line with the Council's strategic regeneration objectives;
3. That a capital estimate within the Housing Investment Programme for 2011-12 be adopted to allow the purchase by the Authority of the Freehold interests in the properties. The amount of capital inclusive of legal costs and possible interest payments is shown in the restricted appendix 3 of the report (CAB 136A/090);
4. That the Corporate Director of Development & Renewal be authorised to enter into negotiations to acquire the two properties by agreement failing which a CPO will be made. The properties will then be sold on the open market with prospective purchasers entering into a binding legal agreement to renovate the properties and bring them back into residential use; and
5. That the resources generated from the sale of the properties will then be used to regenerate the local area by bringing empty properties back into circulation. They will therefore be 100% usable. The receipts will then be earmarked from the Local Priorities Programme to retrospectively fund the purchase of the properties cited in resolution 1.

7. A PROSPEROUS COMMUNITY

7.1 Wellington Primary School - Proposed Expansion (CAB 137/090)

Councillor Rania Khan, Lead Member Regeneration, Localisation and Community Partnerships, declared a personal interest in Agenda item 7.1 "Wellington Primary School – Proposed Expansion" (CAB 137/090). The declaration of interest was made on the basis that the school was situated in Councillor Khan's ward.

Ms Isobel Cattermole, Acting Corporate Director Children, Schools and Families, presented the report at the request of the Chair and outlined the salient points.

A brief discussion ensued, in which Members welcomed the report and the benefits which the proposals would bring to the community. Members considered the alternative options set out in the report as follows:

- In order to meet the rising need for school places, the Council had implemented a number of school expansion projects and continued to develop further schemes to meet need. Longer term development plans for the borough include proposals for new primary schools. However, further expansion proposals are needed to keep pace with the need, so taking no action would leave the Council at risk of being unable to discharge its statutory functions. The options for expansion had been considered having regard to the factors set out in paragraphs 6.8 to 6.11 of the report.

The Chair **Moved** and it was

Resolved

1. That the contents of the report (CAB 137/090) be noted;
2. That statutory proposals should be published for the enlargement of Wellington Primary School to admit 60 pupils in each year from September 2011; and
3. That subject to resolution 2 above the adoption of a capital estimate of £2.901m for the expansion of Wellington Primary School be approved and that the Acting Corporate Director, Children, Schools & Families be authorised to accept the contract sum negotiated with Tower Hamlets Schools Ltd for this project.

7.2 Children and Young People's Plan Annual Refresh 2010/11 (CAB 138/090)

Councillor Abdul Asad, Lead Member Children, Schools and Families, declared a personal interest in Agenda item 7.2 "Children and Young People's Plan Annual Refresh 2010/11" (CAB 138/090). The declaration of interest was made on the basis that the report contained recommendations relating to youth service provision in the Borough, and Councillor Asad was employed by a Borough youth service provider.

Ms Isobel Cattermole, Acting Corporate Director Children, Schools and Families, presented the report at the request of the Chair and outlined the salient points.

Members considered the alternative options set out in the report as follows:

- There is a requirement on local authorities to produce a single, strategic overarching plan for all services affecting children and young people and to review this annually. As addressed in paragraph 6.4 of the report, the new set of priorities selected for the second year of the plan reflect the areas where the Council still needs to make progress, fulfil its statutory duties and deliver on Community Plan objectives.

The Chair **Moved** and it was

Resolved

1. That the revised CYPP actions at appendix 1 of the report (CAB 138/090) be agreed; and
2. That the Corporate Director Children, Schools and Families, after consultation with the Lead Member for Children, Schools and Families and Children and Families' Trust be authorised to make appropriate amendments to the CYPP ahead of publication.

7.3 Phoenix School - Proposed Addition of a Sixth Form (CAB 139/090)

Ms Isobel Cattermole, Acting Corporate Director Children, Schools and Families, presented the report at the request of the Chair and outlined the salient points.

Members considered the alternative options set out in the report as follows:

- No action. If no sixth form was added, then there was a risk that the Council would fail to discharge its statutory functions in respect of a group of young people with limited choices.
- Alternative provision. Phoenix is positioned to carry out specialised educational provision. It was not considered that there is a suitable alternative means of provision readily available to the Council.

Members welcomed the report and the benefits which the proposals would bring to the residents in the Borough. Members thanked the Lead Member, Ms Cattermole and her team for their efforts.

The Chair **Moved** and it was

Resolved

1. That the contents of the report (CAB 139/090) be noted; and
2. That statutory proposals should be published for the addition of a sixth form at Phoenix School with effect from September 2010.

8. A SAFE AND SUPPORTIVE COMMUNITY

Nil Items.

9. A HEALTHY COMMUNITY**9.1 End of Life Care - responses to the recommendations of the Scrutiny Review Working Group (CAB 140/090)**

The Chair Moved that Council Procedure Rules be suspended to allow Councillor Stephanie Eaton to present the Scrutiny Report on End of Life Care, outlining the main issues considered as part of the review and the issues already being addressed.

Members considered the alternative options set out in the report as follows:

- In responding to the recommendations full consideration has been given on how the recommendations can be incorporated to existing and future work streams. Any alternative response to the recommendations will be considered by the Overview and Scrutiny Committee as part of their recommendation tracking report every six months.

A discussed followed, where Members thanked Cllr Eaton and the following comments were made:

- The issue of timely medical certification was an ongoing issue which needed to be resolved.
- Stephen O'Brian, former Chair of NHS Tower Hamlets and a Borough resident, had been appointed as Interim Chair of Barts and the London Trust. It was felt that he would represent residents concerns well.
- Some concern was expressed regarding the issue of transporting residents home in both a safe and timely manner and it was suggested that it be looking into further.
- Members praised the Council's Registrar service.

In response to Members' comments and concerns, Ms Helen Taylor, Acting Corporate Director Adult Health and Wellbeing, made the following comments:

- The issue of certification was being looked into, liaising with London Boroughs who had achieved results in this area.
- There was a possibility of establishing a joint working arrangement with Hackney LBC and recommendations would be brought before a future meeting of the Cabinet for consideration.
- It was felt that responsibility for end of life care should be built into existing working practices, rather than the appointment of a dedicated joint officer with NHS Tower Hamlets.
- The Council was actively working with partners to address the issues highlighted in the report.

The Chair, in **Moving** the recommendations, thanked the Members and officers involved in the scrutiny review for their efforts, and it was

Resolved

1. That the report of the Health Scrutiny Panel Working Group on End of Life Care as attached at Appendix 1 of the report (CAB 140/090) be noted; and

2. That the response to the recommendations from the Health Scrutiny Panel Working Group on End of Life Care attached at Appendix 2 of the report (CAB 140/090) be agreed.

9.2 Children, Schools and Families Contracts (CAB 141/090)

Ms Isobel Cattermole, Acting Corporate Director Children, Schools and Families, presented the report at the request of the Chair and outlined the salient points.

Members considered the alternative options contained in the report as follows:

- Alternative courses of action were not considered viable. If the Council chose not to procure these services it would risk not complying with its statutory functions as set out in the report. If the Council procured otherwise than through the process described in the report it would risk failing to comply with its procurement procedures and Regulations.

A discussion followed in which Members welcomed the report and made the following comments:

- Some concern was expressed over the wording in the alternative options section of the report that indicated that provision of the Overnight Short Breaks service was a statutory duty of the Council. It was requested that it be stressed that the Council had a statutory duty to consult with parents regarding the provision of care; the provision of the proposed service was discretionary.
- It was felt that the Service was an important one which benefited both autistic children and the parents and siblings of autistic children.
- Clarification was sought on the revenue cost; and whether it was time limited. It was felt that parents should be made aware of the potential limitations.

In response to Members' concerns, Ms Cattermole advised that the Department of Children Schools and Families could not guarantee continuation of funding; and this fact was communicated to all parents. However, officers were hopeful that the service would be able to continue. Ms Isabella Freeman, Assistant Chief Executive Legal Services, proposed that the recommendation be amended to reflect that the service would continue subject the receipt of dedicated government funding.

The Chair **Moved** and it was

Resolved

1. That the Corporate Director of Children, Schools and Families be authorised to undertake contract negotiations with QALB Discovery Home for the delivery of the service and to enter into contracts for these services on behalf of the Authority as below; and

Provider	Service Provision	Ofsted Grade	Inspection	Contract Value	Contract period
QALB	Overnight short	Good		£459,000	1 July 2010 -

Discovery Home	breaks for disabled children			31 March 2011
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2. That the Corporate Director of Children, Schools and Families be authorised to use delegated powers to extend the funding up to March 2012, subject to satisfactory performance of the provider, and dedicated government funding being available.

10. ONE TOWER HAMLETS

10.1 Communities Localities and Culture Directorate Capital Programme 2010/11 (CAB 142/090)

Councillor Ohid Ahmed, Lead Member Resources and Performance, declared a personal interest in Agenda item 10.1 “Communities, Localities and Culture Directorate Capital Programme” (CAB 142/090). The declaration of interest was made on the basis that the report contained recommendations relating to the London Thames Gateway Development Corporation, on which Councillor Ahmed was a board member.

Councillor Rofique U Ahmed, Lead Member Culture and Leisure, declared a personal interest in Agenda item 10.1 “Communities, Localities and Culture Directorate Capital Programme” (CAB 142/090). The declaration of interest was made on the basis that the report contained recommendations relating to sites within his ward.

Mr Robin Beattie, Service Head, Strategy and Resources, presented the report at the request of the Chair.

Members welcomed the report, particularly the investment being made in highway improvements in the Borough. Members thanked the officers involved for their efforts which had resulted in obtaining Transport for London funding for improvements.

Members considered the alternative options set out in the report as follows

- Failure to adopt Capital Estimates will result in delays to progression of works funded via TfL, Local Implementation Plan, You Decide!, DCLG Public Realm Improvement Programme and Section 106.

Clarification was sought in relation to a number of sites in the Borough, particularly in relation to the Olympic Route Network and Ms Margaret Cooper, Head of Transportation and Highways, responded to Members’ questions.

The Chair **Moved** and it was

Resolved

1. That the schemes listed in appendix A to the report (CAB 124/090) be included within the Communities Localities & Cultural Services Directorate's 2010/2011 Capital Programme;
2. That Capital Estimates (sum specified in estimated scheme cost column) for the schemes as outlined in Appendix A to the report (CAB 142/090) be adopted; and
3. That the Council's Measured Term Contracts be used for the implementation of the Transportation and Highways Works as appropriate.

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items

12. UNRESTRICTED REPORTS FOR INFORMATION

Nil items

13. EXCLUSION OF THE PRESS AND PUBLIC

Resolved

That pursuant to regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and public be excluded from the remainder of the meeting:

- (a) As it was likely, in view of the nature of the business to be transacted in Section Two of the agenda, that if members of the public were present during consideration of this business there would be disclosure of exempt information.
 - Exempt information is defined in section 100I and, by reference, Schedule 12A of the Local Government Act 1972 ("the 1972 Act"). To be exempt, information must fall within one of the categories listed in paragraphs 1 to 7 of Schedule 12A, must not fall within one of the excluded categories in paragraphs 8 and 9 and the public interest in maintaining the exemption must outweigh the public interest in disclosing the information.
 - Agenda item 15.1. "Compulsory Purchase Action for 2 long-term vacant properties (CAB 136A/090)" contained Information relating to any individual, the financial or business affairs of any particular person (including the authority holding that information)" and any action taken or to be taken in connection with the prevention, investigation or prosecution of crime".
 - Agenda item 20.1 "Osmani Centre Building Project – Lease" (CAB 143/090) contained information relating to the financial or

business affairs of any particular person (including the authority holding that information).

- (b) As although there is a public interest favouring public access to local authority meetings, in this case the Cabinet concluded that given the information contained in:
- Agenda Item 15.1. “Compulsory Purchase Action for 2 long-term vacant properties (CAB 136A/090)” pertaining to information relating to any individual, the financial or business affairs of any particular person (including the authority holding that information) and any action taken or to be taken in connection with the prevention, investigation or prosecution of crime”, that the public interest in maintaining the exemption on the information outweighed the public interest in disclosing it.
 - Agenda item 20.1 Osmani Centre Building Project – Lease” (CAB 143/090) pertaining to information relating to any individual, the financial or business affairs of any particular person (including the authority holding that information), that the public interest is best served by withholding the exempt information in order to preserve the Council’s position in a commercial transaction still to be completed.

14. OVERVIEW & SCRUTINY COMMITTEE

14.1 Chair's advice of Key Issues or Questions in relation to Exempt / Confidential Business to be considered.

Nil Items.

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

Nil Items.

15. A GREAT PLACE TO LIVE

15.1 Compulsory Purchase Action for 2 long-term vacant properties (CAB 136A/090)

Exempt Appendices **Agreed.**

16. A PROSPEROUS COMMUNITY

Nil Items.

17. A SAFE AND SUPPORTIVE COMMUNITY

Nil Items.

18. A HEALTHY COMMUNITY

Nil Items.

19. ONE TOWER HAMLETS

Nil Items.

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

20.1 Osmani Centre Building Project - Lease (CAB 143/090)

Councillor Lutfur Rahman, Leader of the Council, declared a personal interest in Agenda item 20.1 “Osmani Centre Building Project – Lease” (CAB 143/090). The declaration of interest was made on the basis that the site in question was within his ward.

Special Circumstances and Reasons for Urgency **Agreed.**

Recommendations **Agreed.**

21. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION

Nil Items.

The meeting ended at 7.25 p.m.

Chair, Councillor Lutfur Rahman
Cabinet