

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.35 P.M. ON WEDNESDAY, 1 DECEMBER 2010

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

Members Present:

Mayor Lutfur Rahman (Mayor)	(Mayor)
Councillor Ohid Ahmed (Deputy Mayor)	(Deputy Mayor)
Councillor Alibor Choudhury	(Cabinet Member for Resources)
Councillor Rania Khan	(Cabinet Member for Regeneration)
Councillor Oliur Rahman	(Cabinet Member for Children's Services)

Other Councillors Present:

Councillor Tim Archer	(Scrutiny Lead Member: A Healthy Community)
Councillor Stephanie Eaton	(Leader, Liberal Democrat Group)
Councillor David Edgar	
Councillor Peter Golds	(Leader, Conservative Group)
Councillor Ann Jackson	(Chair, Overview & Scrutiny Committee)

Others Present:

Officers Present:

Jill Bell	– Head of Legal Services (Environment), Legal Services
Michael Bell	– (Strategic Planning Manager, Strategic Planning, Development & Renewal)
Kate Bingham	– (Acting Service Head Resources Children Schools & Families)
Isobel Cattermole	– (Acting Corporate Director, Children, Schools & Families)
Ahzaz Chowdhury	– (Political Advisor to Conservative Group, Chief Executive's)
Kevan Collins	– (Chief Executive)
Margaret Cooper	– (Section Head Transportation & Highways, Public Realm, Communities Localities & Culture)
Aman Dalvi	– (Corporate Director, Development & Renewal)
David Farrell	– (Head of Environmental Health, Environmental Protection, Communities Localities and Culture)

Alan Finch	– (Service Head Corporate Finance, Resources)
Stephen Halsey	– (Corporate Director Communities, Localities & Culture)
Afazul Hoque	– (Scrutiny Policy Manager, Scrutiny & Equalities, Chief Executive's)
Daniel Kerr	– (Trainee Scrutiny Officer, Scrutiny & Equalities, Chief Executive's)
Chris Naylor	– (Corporate Director Resources)
Jackie Odunoye	– (Service Head Strategy, Innovation and Sustainability, Development & Renewal)
John Roog	– (Service Head, Older People, Adults Health & Wellbeing)
Chris Saunders	– (Political Advisor to the Labour Group, Chief Executive's)
Takki Sulaiman	– (Service Head Communications, Chief Executive's)
Kazim Zaidi	– (Interim Policy Advisor, Chief Executive's)
Angus Taylor	– (Executive Team Leader, Democratic Services, Chief Executive's)
John Williams	– (Service Head, Democratic Services, Chief Executive's)

The following is a record of those decisions taken by the Cabinet at their meeting held on Wednesday 1st December 2010

Please note that the order of business was varied by resolution of the Cabinet, however for ease of reference the decisions taken are set out below in the order detailed in the agenda.

Most decisions may be ‘called in’, by the Assistant Chief Executive (Legal Services), for scrutiny by the Overview and Scrutiny Committee to be held on Tuesday 11th January 2011 on receipt of a written request.

The **deadline** for the receipt of any such written request is **5.00pm on Friday 10th December 2010**. Such requests should be made to John Williams, Service Head Democratic Services-Tel 020 7364 4204.

The request to “call in” a decision must comply with the requirements set out in the Council’s Constitution (Part 4 – Rules of Procedure, Section 4.5 – Overview and Scrutiny Procedure Rules, Rules 16.2 and 16.3). This sets out the time-scale for “call in”, those persons who may “call in” and those details the request must contain.

The Council’s Constitution (Part 4 – Rules of Procedure, Section 4.5 – Overview and Scrutiny Procedure Rules, Rule 16.4 **sets out those decisions that may not be “called in”** for further consideration by the Overview and Scrutiny Committee.

Report authors will be advised by Democratic Services if any decision in respect of an item they have placed on the agenda has been “called in”.

Any decision not “called in” for scrutiny can be implemented on Monday 13th December 2010.

Any decision ‘called in’ for scrutiny but supported by the Overview and Scrutiny Committee, at its meeting on Tuesday 11th January 2011, can be implemented the following day, Wednesday 12th January 2011.

Any decision ‘called in’ for scrutiny but not supported by the Overview and Scrutiny Committee will be referred back to the Cabinet for further consideration on Wednesday 12th January 2011.

MR L. RAHMAN (MAYOR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Rabina Khan, Cabinet Member for Housing.
- Ms I Freeman, Assistant Chief Executive (Legal Services) for whom Ms J. Bell, Head of Legal Services Environment, Legal Services, was deputising.
- Ms H. Taylor, Corporate Director Adults Health and Wellbeing for whom Mr J. Roog, Service Head Older People, Adults Health and Wellbeing, was deputising.
- Mr A. Dalvi, Corporate Director Development and Renewal, present at the start of the proceedings would be leaving prior to their end, and at this juncture Ms J. Odunoye, Service Head Strategy Innovation and Sustainability, Development and Renewal would be deputising.

Noted.

2. DECLARATIONS OF INTEREST

Councillor Rania Khan declared a personal interest in Agenda item 6.3 “Options for the disposal of two long-term void properties and Council properties previously in shortlife use” (CAB 057/101). The declaration of interest was made on the basis that the report contained recommendations relating to properties located in Bromley-by-Bow Ward, and Councillor Rania Khan was one of the Ward Councillors for Bromley-by-Bow Ward.

Mayor L. Rahman declared a personal interest in Agenda item 7.1 “Proposed Mulberry & Bigland Green Centre” (CAB 060/101). The declaration of interest was made on the basis that the report contained recommendations relating to Mulberry Secondary Girls School, and Mayor Rahman’s daughter attended Mulberry Secondary Girls School.

Noted.

Action by:

ASSISTANT CHIEF EXECUTIVE – LEGAL SERVICES (I. FREEMAN)

Executive Team Leader, Democratic Services, Chief Executive's (A. Taylor)

3. UNRESTRICTED MINUTES

The **Mayor** moved and it was:-

Resolved

That the unrestricted minutes of the ordinary meeting of the Cabinet held on 11th November 2010 be approved and signed by the Mayor as a correct record of the proceedings.

Action by:

ASSISTANT CHIEF EXECUTIVE – LEGAL SERVICES (I. FREEMAN)

Executive Team Leader, Democratic Services, Chief Executive's (A. Taylor)

4. DEPUTATIONS & PETITIONS

Nil items.

5. OVERVIEW & SCRUTINY COMMITTEE

5.1 Chair's advice of Key Issues or Questions in relation to Unrestricted Business to be considered

Sheet of questions and comments arising from the Overview and Scrutiny Committee held on 30th November 2010 **Tabled** by the Chair of the Overview and Scrutiny Committee.

Resolved

That the questions and comments of the Overview and Scrutiny Committee be noted, and that these be given consideration during the Cabinet deliberation of the items of business to which the questions/ comments related.

Action by:

ASSISTANT CHIEF EXECUTIVE – LEGAL SERVICES (I. FREEMAN)

Executive Team Leader, Democratic Services, Chief Executive's (A. Taylor)

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

Nil items.

6. A GREAT PLACE TO LIVE

6.1 Local Development Framework Annual Monitoring Report 2009-2010 / Local Development Scheme (LDS) 2010 (CAB 055/101)

Resolved:

In respect of the Local Development Framework: Annual Monitoring Report (AMR) 2009/10: -

1. That the contents of this report and the Draft AMR for the period April 2009-March 2010, attached as Appendix 1 to the report (CAB 055/101), be noted;
2. That it be noted that the Draft AMR for the period April 2009-March 2010 will be submitted to the Secretary of State and Mayor of London before 31 December 2010;
3. That the Corporate Director Development and Renewal be authorised to make minor amendments [to the AMR] prior to submission to the Secretary of State and Mayor of London relating to factual matters.

In respect of the Local Development Scheme (LDS) 2010: -

4. That the updated LDS set out in Appendix 2 to the report (CAB 055/101) be approved for submission to the Secretary of State and Mayor of London;
5. That it be agreed that the updated LDS shall have formal effect four weeks after submission to the Secretary of State, provided that the Secretary of State does not propose to issue a call-in direction; and
6. That the Corporate Director Development and Renewal be authorised to make factual changes or minor changes to the approved scheme [LDS] if so directed by the Secretary of State.

Action by:

CORPORATE DIRECTOR DEVELOPMENT AND RENEWAL (A. DALVI)

Service Head Planning and Building Control, Development and Renewal (O. Whalley)

Deputy Service Head Planning and Building Control, Development and Renewal (D. Williams)

Strategic Planning Manager, Strategic Planning, Development and Renewal
(M. Bell)

6.2 Blackwall Reach Partner Selection (CAB 056/101) - To Follow

Report withdrawn.

Action by:

CORPORATE DIRECTOR DEVELOPMENT AND RENEWAL (A. DALVI)

Service Head Regeneration, Development and Renewal (C. Worby)

Housing Regeneration Manager, Major Project Development, Development and Renewal (N. McGowan)

6.3 Options for the disposal of two long-term void properties and Council properties previously in shortlife use (CAB 057/101)

Councillor Rania Khan declared a personal interest in Agenda item 6.3 "Options for the disposal of two long-term void properties and Council properties previously in shortlife use" (CAB 057/101). The declaration of interest was made on the basis that the report contained recommendations relating to properties located in Bromley-by-Bow Ward, and Councillor Rania Khan was one of the Ward Councillors for Bromley-by-Bow Ward.

Resolved:

1. That the five properties in Swaton Road E3 (numbers 148, 156, 162, 170 and 195) be disposed of on the open market; and also that the Corporate Director Development and Renewal, after consultation with the Mayor, be authorised to make decisions on the details of the disposal;
2. That it be noted that a further report will be brought to Cabinet on the disposal options for the properties in Bruce Road, as outlined in section 6 of the report (CAB 057/101);
3. That the properties at 19 Parfett Street and 102 Tredegar Road be declared surplus to the Council's operational requirements;
4. That 19 Parfett Street and 102 Tredegar Road be disposed of on the open market; and also that the Corporate Director Development and Renewal, after consultation with the Mayor, be authorised to make decisions on the details of the disposal;
5. That the resources generated from the open market sales, referred to in resolutions 1 and 4. above, be used for further affordable housing or regeneration schemes within the borough; and that it also be noted that the details [of the usage of such funding for such

schemes] will be considered as part of the Authority's budget process; and

6. That the execution of the necessary documents to implement resolutions 1 to 5. above be authorised.

Action by:

CORPORATE DIRECTOR DEVELOPMENT AND RENEWAL (A. DALVI)

Service Head - Strategy, Innovation and Sustainability, Development and Renewal (J. Odunoye)

Housing Partnerships Manager, Strategy, Innovation and Sustainability, Development and Renewal (J. Kiwanuka)

Development Officer, Housing Strategy and Development, Development and Renewal (J. Dowle)

6.4 Local Implementation Plan 2 (CAB 058/101)

Resolved:

1. That the draft LIP 2 document, attached at Appendix 1 to the report (CAB 058/101), be agreed for submission to Transport for London; and
2. That there may be a three month public consultation exercise in respect of the draft LIP 2 document.

Action by:

CORPORATE DIRECTOR COMMUNITIES, LOCALITIES AND CULTURE (S. HALSEY)

Service Head Public Realm, Communities Localities and Culture (J. Blake)

Section Head Transportation and Highways, Communities Localities and Culture (M. Cooper)

Project Manager Public Transport, Transportation and Highways, Communities Localities and Culture (T. Davis)

6.5 Thames Tideway Tunnel Consultation Response (CAB 059/101)

Resolved:

That the draft response to the Thames Tideway Tunnel consultation, attached at Appendix 1 to the report (CAB 059/101), be approved; and also that officers [Corporate Director Communities, Localities and Culture] be instructed to submit the response [to Thames Water].

Action by:

CORPORATE DIRECTOR COMMUNITIES, LOCALITIES AND CULTURE (S. HALSEY)

Service Head Environmental Control, Environmental Protection, Communities Localities and Culture (B. Jones)

Head of Environmental Health, Environmental Protection, Communities Localities and Culture (D. Farrell)

7. A PROSPEROUS COMMUNITY

7.1 Proposed Mulberry & Bigland Green Centre (CAB 060/101)

Mayor L. Rahman declared a personal interest in Agenda item 7.1 “Proposed Mulberry & Bigland Green Centre” (CAB 060/101). The declaration of interest was made on the basis that the report contained recommendations relating to Mulberry Secondary Girls School, and Mayor Rahman’s daughter attended Mulberry Secondary Girls School.

Resolved:

1. That the proposed collaboration agreement to be entered into by the governing bodies of Mulberry School for Girls, Bigland Green Primary School and the Authority, as set out in paragraph 6.4 of the report (CAB 060/101), be approved;
2. That the proposed terms of the lease, outlined in paragraphs 6.9 – 6.12 of the report (CAB 060/101), including a service level agreement detailing the services to be provided in lieu of rent, be approved;
3. That the arrangements for the leaseback of part of the Mulberry and Bigland Green Centre for use as children’s centre provision be approved;
4. That the Acting Corporate Director, Children, Schools and Families, the Corporate Director Development and Renewal and the Assistant Chief Executive (Legal Services) be authorised to execute all necessary documents including the collaboration agreement, the lease, service level agreement and, when the centre is completed, the leaseback of part of the Mulberry and Bigland Green Centre for the children’s centre provision on the terms proposed.

Action by:

ACTING CORPORATE DIRECTOR, CHILDREN SCHOOLS AND FAMILIES (I. CATTERMOLE)

Interim Service Head Resources, Children Schools and Families (K. Bingham)
Head of Building Development, Children Schools and Families, (P. Watson)

8. A SAFE AND SUPPORTIVE COMMUNITY

Nil items.

9. A HEALTHY COMMUNITY

9.1 Children, Schools and Families - Contract Awards (CAB 061/101)

Resolved:

That the Acting Corporate Director Children, Schools and Families be authorised to award the contracts for services to BUPA Healthcare and Allied Healthcare on behalf of the Authority as below:

Provider	CQC Grade	CQC Inspection Grade	Contract Value	Contract period
BUPA Healthcare	Nursing Care	3* (excellent)	£750,000	1 February 2011 – 31 January 2014
Allied Healthcare	Personal Care	2* (good)	£1,042,587	1 February 2011 – 31 January 2014

Action by:

ACTING CORPORATE DIRECTOR, CHILDREN SCHOOLS AND FAMILIES (I. CATTERMOLE)

Interim Service Head Resources, Children Schools and Families (K. Bingham)
 External Funding and Commissioning Manager, Strategy Partnerships and Performance, Children Schools and Families (K. Badgery)
 Commissioning and Contracts Manager, Strategy Partnerships and Performance, Children Schools and Families (A. Smith)

9.2 Report of the Scrutiny Review Working Group on Childhood Obesity - increasing the availability of healthy choices (CAB 062/101)

Resolved:

1. That the report of the Scrutiny Working Group on Reducing Childhood Obesity, as set out in Appendix 1 of the report (CAB 062/101), be noted; and
2. That the response to the recommendations from the Scrutiny Working Group, as set out in Appendix 2 to the report (CAB 062/101), be agreed; also noting that continuing consideration is to be given to the emerging policy changes and public sector funding decisions of the new Coalition Government that have been made since the agreement of these recommendations by the Overview and Scrutiny Committee in July 2010.

Action by:

CHIEF EXECUTIVE (K. COLLINS)

Acting Joint Service Head Scrutiny & Equalities, Chief Executive's (H. Ali)
 Scrutiny Policy Manager, Scrutiny & Equalities, Chief Executive's (A. Hoque)

Scrutiny Policy Officer, Scrutiny & Equalities, Chief Executive's (K. McDonald)

10. ONE TOWER HAMLETS

10.1 Performance and Corporate Budget Monitoring Quarter 2 (CAB 063/101)

Resolved:

1. That the Quarter 2 2010/11 performance be noted, including areas where further work is needed to ensure the Authority delivers improved outcomes;
2. That the Council's financial position as outlined in paragraphs 5 and 6 and appendices 5, 6 and 8 of the report (CAB 063/101) be noted; and
3. That the actions being taken to address the reported overspends be noted.

Action by:

CORPORATE DIRECTOR RESOURCES (C. NAYLOR)

Service Head Corporate Finance, Resources (A. Finch)

Service Head, Strategy and Performance, Chief Executive's (L. Russell)

10.2 Budget 2011/12 - 2013/14 (CAB 064/101)

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

Resolved

1. That the outcome of the Spending Review for local government and the expected impact on the London Borough of Tower Hamlets be noted; and that it also be noted that the detailed allocation of grants to the Authority will be announced by the Government shortly;
2. That £8m be set aside from contingencies and reserves, as set out at paragraph 6.15 of the report (CAB 064/101), in order to progress measures to implement savings for 2011/12; and
3. That it be noted that a report will be submitted for Cabinet consideration, at its meeting to be held on 12 January 2011, recommending Cabinet to set a draft budget for 2011/12- 2013/14.

Action by:

CORPORATE DIRECTOR RESOURCES (C. NAYLOR)

Service Head, Corporate Finance, Resources (A. Finch)

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 17.1. “Proposed Mulberry & Bigland Green Centre - Exempt Confidential Appendix to Unrestricted Report” contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.
- (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 17.1. “Proposed Mulberry & Bigland Green Centre - Exempt Confidential Appendix to Unrestricted Report” relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.

that the public interest in maintaining the exemption on the information outweighed the public interest in disclosing it.

SUMMARY OF EXEMPT PROCEEDINGS

14. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

15. OVERVIEW & SCRUTINY COMMITTEE

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

Nil items.

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

Nil items.

16. A GREAT PLACE TO LIVE

Nil items.

17. A PROSPEROUS COMMUNITY

17.1 Proposed Mulberry & Bigland Green Centre - Exempt Confidential Appendix to Unrestricted Report (CAB 065/101)

Contents of the appendix noted.

18. A SAFE AND SUPPORTIVE COMMUNITY

Nil items.

19. A HEALTHY COMMUNITY

Nil items.

20. ONE TOWER HAMLETS

Nil items.

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

Nil items.

22. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION

Nil items.

The meeting ended at 6.55 p.m.

Kevan Collins
CHIEF EXECUTIVE