

LONDON BOROUGH OF TOWER HAMLETS

DECISIONS OF THE COUNCIL

HELD AT 7.45 P.M. ON WEDNESDAY, 16 MAY 2012

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

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Please see minutes.

NB: The Monitoring Officer to issue guidance in due course on changes to the rules regarding registration and declaration of interests by Members, pursuant to the Localism Act 2011.

(Action by: Isabella Freeman, Monitoring Officer)

3. MINUTES

The draft minutes were not agreed. Members raised a number of queries regarding the content of the minutes, in particular regarding the way in which responses to Members' Questions were recorded that were not given at the meeting; and in relation to points of order and/or personal explanation that were made during the Public Questions section of the meeting.

DECISION

That the unrestricted minutes of the Ordinary Meeting of the Council held on 25th January 2012 and the Budget Meeting of the Council held on 22nd February 2012 be not agreed but be referred for consideration to the next meeting of the Council, incorporating matters raised by Members.

(Action by: John S. Williams, Service Head, Democratic Services)

4. TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE SPEAKER OF THE COUNCIL OR THE CHIEF EXECUTIVE

No announcements were made at the meeting.

5. TO RECEIVE PETITIONS

5.1 Petition from Tower Hamlets Federation of TRAs regarding a Residents Charter

Mr Phil Sedler addressed the meeting on behalf of the petitioners and responded to questions from Members.

Councillor Rabina Khan, Cabinet Member for Housing, then responded to the issues raised. Councillor Khan stated that she met regularly with TRA representatives in view of regular criticisms regarding social landlords, so as to find out how the Mayor and his administration might best give support. She was proud that the Borough was at the forefront of social housing provision and delighted to see tenants and residents living in social housing coming together and spelling out, in the Residents Charter, the basis standards that social landlords should uphold.

Although the Council had no direct control over Registered Providers, it could exercise influence through partnership arrangements, and Councillor Khan was committed to keeping tenants and residents at the heart of Council housing policy, and to resisting the Government's reforms to rents and tenancies that would alter the hard-won rights of social housing tenants.

DECISION

That the petition be referred to the Corporate Director, Development and Renewal for a written response on any outstanding matters within 28 days.

(**Action by:** Aman Davi, Corporate Director, Development and Renewal)

Procedural Motion

At this point, Councillor Rania Khan moved, and Councillor Alibor Choudhury seconded, a procedural motion – "That under Procedural Rule 14.1.3 the order of business be varied to allow motion 12.9 to be considered as next business."

The procedural motion was put to the vote and was defeated.

5.2 Petition from Messrs Glyn Robbins, Guy Shennan and others regarding Veolia

Mr Guy Shennan addressed the meeting on behalf of the petitioners and responded to questions from Members.

Councillor Shahed Ali, Cabinet Member for Environment, welcomed the petition and responded to the issues raised. Councillor Ali commented that he shared the petitioners' concerns about the Israeli military occupation Palestinian territories. It was in that spirit that he and his colleagues fully

supported the Council motion passed in February 2011, criticising Veolia's involvement in illegal Israeli settlements in the Palestinian West Bank.

Councillor Shahed Ali indicated that the Mayor had acted on that motion and had met senior Veolia officers who had given assurances that Veolia was in the process of divesting itself of all business interests in the area. Councillor Ali added that he would be happy to meet representatives of the campaign to discuss the current situation and their concerns.

DECISION

That the petition be referred to the Corporate Director, Communities, Localities and Culture for a written response on any outstanding matters within 28 days.

(Action by: Stephen Halsey, Corporate Director, Communities, Localities and Culture)

5.3 Petition from residents of Hainton Close regarding activities of a disruptive nature at Mulberry School for Girls

Mr Ralph Candlish, representing the residents of Hainton Close, addressed the meeting on behalf of the petitioners and responded to questions from Members.

Councillor Oliur Rahman, Cabinet Member for Children's Services, responded to the petition. He stated that officers had already written to the petitioners addressing their concerns and that local residents had been in discussions with investigating officers from the antisocial behaviour team. The facilities of the school were managed by the PFI contractor, which included the arrangements for out of hours use of such facilities and officers had made strong representations to the contractors on the matters raised. Councillor Rahman stated that he was aware of how upsetting noise and other disruptions could be and he was committed to ensuring that controls were put in place.

DECISION

That the petition be referred to the Acting Corporate Director, Children, Schools and Families for a written response on any outstanding matters within 28 days.

(Action by: Isobel Cattermole, Acting Corporate Director, Children, Schools and Families)

6. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

6.1 Question from Mr Brian Nicholson regarding street cleansing and public realm improvements (no supplementary question was put)

6.2 Question from Paplu Kaledur regarding Education Maintenance Awards (no supplementary question was put)

6.3 Question from Mr Aminur Rahman regarding Island Homes/One Housing (no supplementary question was put)

The above questions and in each case (except where indicated) a supplementary question, were put and were responded to by the relevant Executive Member.

(Action by: John S. Williams, Service Head, Democratic Services – to arrange written responses).

7. MAYOR'S REPORT

The Mayor made his report to the Council meeting. The Leader of the Majority Group and Leaders of the Minority Groups each responded briefly to the Mayor's report.

8. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL

8.1 Question from Councillor Carli Harper-Penman regarding the recent announcement by the Ministry of Defence that a high velocity missile system is to be located within the Bow Quarter.

8.2 Question from Councillor David Snowdon regarding publishing by Social Landlords of all spending over £500.

8.3 Question from Councillor Shiria Khatun regarding proposed charges for bulk rubbish collection and rat control (no supplementary question was put)

8.4 Question from Councillor Fozol Miah regarding the result of the Bradford West by-election and associated matters.

8.5 Question from Councillor Bill Turner regarding the numbers of children on roll at the new free schools in the borough who are eligible for free school meals.

8.6 Question from Councillor Peter Golds regarding speed humps on Jesus Green, E2.

8.7 Question from Councillor Ann Jackson regarding Council support for residents affected by the Government's reduction in rent and council tax benefit?

8.8 Question from Councillor Harun Miah regarding a multi-faceted approach to drug use and dependency affecting young people in Tower Hamlets.

8.9 Question from Councillor Rachael Saunders regarding the closure of the in house domiciliary homecare service.

The above questions and in each case (except where indicated) a supplementary question were put and were answered by the relevant Executive Member.

Questions 8.10 to 8.22 were not put as the time allowed for this agenda item had expired. Written responses will be provided for each question.

(Action by: John S. Williams, Service Head, Democratic Services – to arrange written responses
Isobel Cattermole, Acting Corporate Director, Children, Schools and Families – see Q8.5 – Cabinet Member gave commitment to write with Mayor to DfE
Stephen Halsey, Corporate Director, Communities, Localities and Culture – see Q 8.6 – Cabinet Member stated that officers will investigate and bring forward recommendations for local consultation.)

9. REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES

9.1 Local Development Framework (LDF): Managing Development - Development Plan Document and Fish Island Area Action Plan submission to the Secretary of State for Independent Examination

DECISION

1. That the Managing Development DPD and Fish Island AAP be approved as attached at Appendix 1 and Appendix 2 of the report, incorporating the minor amendments detailed at Appendix 3 and Appendix 4 of the report, for submission to the Secretary of State in accordance with regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and the Council's Statement of Community Involvement.
2. That approval be given to the submission of the documents which support the Managing Development DPD and Fish Island AAP (Appendices 5 to 9) and have been developed in accordance with regulation 22 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. These are:
 - (a) the Sustainability Appraisal reports;
 - (b) the proposals map;
 - (c) the Statements of Engagement;
 - (d) copies of representations made and the Council's response
 - (e) the Equalities Assessments; and
 - (f) the evidence base.

- 3 That the Corporate Director of Development and Renewal be authorised, after consultation with the Mayor and Lead Member for Housing, to make any appropriate and necessary minor amendments to the Managing Development DPD and Fish Island AAP and their supporting evidence base prior to submission to the Secretary of State.
4. That details of any amendments made under resolution (3) above be provided to all Members.

(**Action by:** Aman Dalvi, Corporate Director, Development and Renewal)

9.2 Enterprise Strategy

DECISION

That the Enterprise Strategy be approved as set out in Appendix 1 to the Cabinet report (CAB 068/112), attached as Appendix A to the Council report.

(**Action by:** Aman Dalvi, Corporate Director, Development and Renewal;
Nick Smales, Service Head, Economic Development and Olympic Strategy)

9.3 Community Safety Plan 2012/13

The Council did not approve the Community Safety Plan 2012/13 as recommended by the Executive. Members raised a number of concerns regarding the content of the draft Plan (for details see the minutes).

An amendment was moved to refer the draft Plan to the Overview and Scrutiny Committee. However, the Council was advised that as the Plan formed part of the Policy Framework, any proposed amendments would have to be notified to the Mayor for his consideration.

No motion was moved at this meeting to refer the draft Pan back to the Mayor but an amendment was moved and agreed by the Council to defer this matter to the proposed Extraordinary Council Meeting to be held in June 2012.

DECISION

That consideration of the draft Community Safety Plan 2012/13 be deferred to the next meeting of the Council in the light of the matters raised by Councillors during the debate.

(**Action by:** Stephen Halsey, Corporate Director, Communities, Localities and Culture;
Emily Fieran-Reed, Head of Community Safety Partnership;
John S. Williams, Service Head, Democratic Services – to note for next Council agenda).

9.4 Pay Policy

The Chair of the Human Resources Committee, Councillor Md. Abdul Mukit, MBE, proposed an amendment to the report as set out below. This was seconded, put to the vote and was agreed.

DECISION

That the Pay Policy Statement be adopted as attached at Appendix A to the report of the Human Resources Committee, subject to the amendment of Section 11.3 (Negotiated Exits – Settlements) to provide that any proposed settlement under that section shall be subject to the agreement of the Human Resources Committee.

(Action by: Chris Naylor, Corporate Director, Resources;
Simon Kilbey, Service Head, Human Resources and Workforce Development;
John S. Williams, Service Head, Democratic Services)

10. TO RECEIVE REPORTS AND QUESTIONS ON JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS (IF ANY)

Nil items.

11. OTHER BUSINESS

11.1 Scheme of Members' Allowances 2012/13

Councillor Oliur Rahman moved an amendment regarding the maximum hourly sum payable under the scheme for a Dependent Carer's Allowance as this was below the London Living Wage. Councillor Joshua Peck endorsed the intention behind the amendment but considered that this should be subject to further work as the allowance was intended as a contribution towards costs incurred, not a salary level. He suggested that the Human Resources Committee should be asked to look into the matter and report back. Councillor Oliur Rahman agreed to this suggestion and the Council so resolved.

DECISION

1. That the Members' Allowances Scheme at Part 6 of the Constitution be re-adopted for 2012/13, subject to minor amendments to reflect the changes to the Standards regime introduced as a result of the Localism Act 2011;

2. That accordingly the London Borough of Tower Hamlets Members' Allowances Scheme 2012 be adopted as set out at Appendix 'A' to the report of the Assistant Chief Executive (Legal Services); and
3. That the Human Resources Committee be requested to give consideration to the maximum hourly amount payable under the Dependants' Carers Allowance (Section 9 of the report) in view of this Council's commitment to the London Living Wage, and report back.

(Action by: Isabella Freeman, Assistant Chief Executive (Legal Services);
John S. Williams, Service Head, Democratic Services)

11.2 The Amended Standards Regime

The Corporate Director, Development and Renewal indicated that this report had been withdrawn for further consultation with Members and others and consideration at an Extraordinary Council Meeting to be held in June 2012.

(Action by: Isabella Freeman, Assistant Chief Executive (Legal Services);
John S. Williams, Service Head, Democratic Services)

11.3 Report on Executive Decisions precluded from 'Call-in' on grounds of urgency

DECISION

That the report be noted.

12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL

Procedural Motion

At the commencement of this agenda item Councillor Alibor Choudhury moved, and Councillor Ohid Ahmed seconded, a procedural motion – “That under procedural Rule 14.1.3 the order of business be varied to allow agenda item 14 to be considered as next business.”

The procedural motion was put to the vote and was defeated.

12.1 Motion on Licensing and anti-social behaviour on and around Brick Lane

Councillor Helal Abbas moved, and Councillor Bill Turner seconded, the motion as printed in the agenda.

After debate the motion as printed in the agenda was put to the vote and was agreed.

DECISION**This Council notes:**

- The complaints by many residents who live around Spitalfields that the number of late night alcohol licences on and around Brick Lane is resulting in an unacceptable level of alcohol-related crime, disorder and anti-social behaviour locally, including late night noise, urination and vomiting on doorsteps, and violence.
- The request by police that the Council, as the licensing authority, adopt a saturation policy for the Brick Lane area
- That a draft saturation policy for the Brick Lane area was taken to the Licensing Committee in September 2011, but has progressed no further, awaiting the publication of guidance on Cumulate Impact Policies by the government
- That other measures, as well as the proposed saturation policy, could benefit local residents.

This Council resolves:

- To support a Five Point Plan to tackle the problem that includes:
 - A Saturation Policy for the Brick Lane area being brought forward for the consideration of the Licensing Committee as soon as possible after publication of the awaited government guidance
 - The adoption of Challenge 25 as a mandatory condition on all TH licences to the statement of licensing policy
 - Setting up a "Brick Lane Alcohol Partnership" including the trade, police, council and voluntary or community groups to better co-ordinate action, share information and build working relationships between relevant stakeholders (to be contained within existing budgets)
 - Giving police powers to implement section 30 dispersal orders from 10pm to 5am Thursday – Saturday in the immediate vicinity of Brick Lane, allowing them limited powers to move groups on where they have reasonable grounds
 - Consideration of introducing pop-up/temporary urinals, as used in Westminster, on Friday and Saturday nights, and consulting on a bye-law to increase the fine for public urination to level 2 on the Standard Scale (£500).

(Action by: Stephen Halsey, Corporate Director, Communities, Localities and Culture)

[**NB:** Proposed revisions to the Licensing Policy Statement must be the subject of consultation under Section 5 (3) of the Licensing Act 2003. In addition, as one of the strategies included in the Council's Policy Framework, revisions to the Licensing Policy Statement must be developed with the involvement of the Executive and the Overview and Scrutiny Committee, prior to adoption by the Council. Therefore to the extent that the resolution above involves changes to the Licensing Policy, the effect of the resolution is not to change the Policy at this stage, but to call on officers to commence a consultation process on the proposed amendments, for subsequent report to the Overview and Scrutiny Committee, the Executive and Council.]

Change to Order of Business

At this point, Councillor Carlo Gibbs moved, and Councillor Bill Turner seconded, a procedural motion – That under Procedural Rule 14.1.3 the order of business be varied to allow motion 12.4 to be considered as next business.”

The procedural motion was put to the vote and was agreed.

12.4 Open Spaces Strategy

Councillor Carlo Gibbs moved, and Councillor Amy Whitelock seconded, the motion as printed in the agenda.

After debate, the motion as printed in the agenda was put to the vote and was agreed.

DECISION

This Council notes:

- The decision of Council on 8 December 2010 that put limits on the use of Victoria Park for commercial events, whilst still recognising that some events should still be allowed
- The decision of Council on 21 December 2011 that Sir John McDougal Gardens, Millwall Park and Island Gardens should not be made available for commercial events.

This Council further notes:

- The decision of the Mayor to ignore the decision of Council
- The Mayor's decision to cancel the free community event Paradise Gardens and the popular annual fireworks event in Victoria Park
- That the Open Spaces Strategy is reserved to Full Council and does not currently contain a section on Commercial Events in the borough's Parks

This Council resolves:

- To amend the Open Spaces Strategy to include a section on Commercial Events in parks, to reflect the prior decisions of Council, that:
- In regards to Victoria Park
 - Limits the number of large commercial music events in the park to six days each year;
 - Prevents the park being used for commercial events on consecutive weekends throughout the summer, with at least two weekends free after a weekend of events;
 - Sets a closing time for events to 10pm;
 - Sets a reduced noise levels for commercial events.
- In regards to Sir John McDougal Gardens, Millwall Park and Island Gardens
 - prevents the holding of commercial events.
- In regards to the gardens at Trinity Square:
 - allow the use for weddings but prevent the holding of other commercial events.
- To exclude the Live Site events in Victoria Park in 2012 from the above.

(Action by: Stephen Halsey, Corporate Director, Communities, Localities and Culture)

[NB: The Open Space Strategy is one of the plans and strategies included in the Council's Policy Framework. Any proposed amendment to the Open Space Strategy must follow the procedure set out in the Council's Constitution for developing the Policy Framework including publication of the proposals by the Executive; inclusion in the Forward Plan of the timescale and arrangements for consultation including with the Overview and Scrutiny Committee. Therefore to the extent that the above resolution involves changes to the Open Space Strategy, the effect of the resolution is not to amend the Strategy at this stage, but to call on the Mayor to include the amendments proposed in the draft Open Space Strategy for consultation and subsequent report to the Overview and Scrutiny Committee, Executive and Council.]

Change to Order of Business

At this point, Councillor Rachael Saunders moved, and Councillor Bill Turner seconded, a procedural motion – That under Procedural Rule 14.1.3 the order of business be varied to allow motion 12.7 to be considered as next business.”

The procedural motion was put to the vote and was agreed.

12.7 Youth Services

Councillor Rachael Saunders moved, and Councillor Helal Uddin seconded, the motion as printed in the agenda.

After debate, Councillor Alibor Choudhury moved, and Councillor Kabir Ahmed seconded, a procedural motion – “That under Procedural Rule 14.1.10 the question be now put.” The procedural motion was put to the vote and was agreed.

The motion as printed in the agenda was then put to the vote and was agreed.

DECISION

This Council notes:

- That the executive Mayor has decided to take the Council's youth service contracts in house.
- That the reasons given for this decision included assertions that money would be saved if the council staff rather than the third sector organisations and schools managed the provider contracts.
- That no evidence has been given for this, and no firm numbers given.
- That the decision is not in line with the principles set out in the current Tower Hamlets Children and Young People's Plan.
- That the current providers add significant value to the contracts they hold through supporting services within their own HR and IT and through running additional youth services with their own resources.
- That youth services across Tower Hamlets have improved significantly since they were first contracted out, through effective partnership working.

This Council believes:

- That in tough times it is right to work with partners to seek savings and efficiencies, and wrong to undermine relationships and act unilaterally.
- That the best youth services support educational attainment and equip our young people to lead their communities. Youth services are there to support excellence not just tackle ASB.
- That resources should reflect need, with the greatest resources for areas with the greatest youth population.
- That effective hyper local partnerships have been developed between youth services, schools, health services, employers and others through locally based management of services.
- That currently our young people are able to shape and lead their own services. This must be strengthened, not weakened, in any future model.
- That the targets that the contractors currently report against should continue to be publicly reported against if the service is taken in house.

This Council resolves:

- To oppose bringing the youth service in house at this point.
- To call on the Mayor to:-
 - Work with providers to identify efficiencies in partnership; and
 - Run a full consultation with providers and young people before decisions about the future of the youth service are made.

(**Action by:** Isobel Cattermole, Acting Corporate Director, Children, Schools and Families;
Stephen Halsey, Corporate Director, Communities, Localities and Culture.)

Change to Order of Business

At this point Councillor Carli Harper-Penman moved, and Councillor Helal Abbas seconded, a procedural motion – “That under Procedural Rule 14.1.3 the order of business be varied to allow agenda item 13 to be considered as next business, followed by an exempt Emergency Motion to be moved in Part 2, followed by agenda item 14.” The procedural motion was put to the vote and was agreed.

Extension of time limit for the meeting

Councillor Motin Uz-Zaman moved and Councillor Bill Turner seconded, a procedural motion – “That under Procedure Rule 15.11.7 the meeting be extended for up to an additional 30 minutes to enable consideration of agenda item 14.” The procedural motion was put to the vote and was agreed.

Motions 12.2; 12.3; 12.5; 12.6; 12.8; 12.9; 12.10; 12.11; 12.12; 12.13; 12.14 and 12.15 were not considered due to the time limit for the meeting being reached.

13. EXCLUSION OF PRESS AND PUBLIC**DECISION**

That, under the provisions of Section 100A of the Local Government Act 1972 as amended, the press and public be excluded from the remainder of the meeting on the grounds that the business to be transacted contains information defined as Exempt in Part I of Schedule 12A of the Local Government Act 1972.

Procedural motion

Councillor Carli Harper-Penman moved, and Councillor Anwar Khan seconded, a procedural motion:- 'That Procedure Rule 13.1 be suspended to enable an urgent motion to be debated regarding recruitment to the post of Chief Executive.' Copies of the motion were circulated to Councillors and the Speaker allowed a period for Members to read and familiarise themselves with the content. The Monitoring Officer then advised the meeting on the matters set out in the motion.

The procedural motion moved by Councillor Harper-Penman was then put to the vote and was agreed.

Urgent motion – Recruitment to the post of Chief Executive

Councillor Carli Harper-Penman moved, and Councillor Anwar Khan seconded, the tabled motion.

Following debate, the motion was put to the vote and was agreed.

DECISION

See exempt minutes.

(**Action by:** Stephen Halsey, Corporate Director, Communities, Localities And Culture;
Isabella Freeman, Assistant Chief Executive (Legal Services);
Simon Kilbey, Service Head, Human Resources and Workforce Development
John S. Williams, Service Head, Democratic Services)

14. APPOINTMENT TO THE POST OF CHIEF EXECUTIVE (HEAD OF PAID SERVICE)

The recommendations in the exempt report of the Assistant Chief Executive (Legal Services) were put to the vote and were defeated.

No appointment was made to the post of Chief Executive.

The meeting ended at 11.40 p.m.