

LONDON BOROUGH OF TOWER HAMLETS

DECISIONS OF THE COUNCIL

HELD AT 7.30 P.M. ON WEDNESDAY, 23 JANUARY 2013

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

[Note: The order of business was varied during the meeting with the agreement of the Council. However for ease of reference this decision sheet lists the items in the same order as the agenda for the meeting.]

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Shiria Khatun, Fozol Miah, M. A. Mukit MBE and Ahmed Adam Omer.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of Disclosable Pecuniary Interests were made.

3. MINUTES

In relation to the draft unrestricted minutes of the Extraordinary Council Meeting on 20th December 2012, Councillor Motin Uz-Zaman stated that the text under Agenda Item 1 (Apologies for Absence) from "Procedural Motion" to "7.45 p.m." should be replaced by the following:-

"Councillor Alibor Choudhury proposed and Councillor Rania Khan seconded that the Council appoint Aman Dalvi to the position of Chief Executive.

Councillor Motin Uz-Zaman moved and Councillor Shiria Khatun seconded a procedural motion:- 'That under Procedure Rule 14.1.12 the meeting be adjourned for a period of half an hour'. The procedural motion was put to the vote and was agreed.

Accordingly the meeting adjourned at 7.15 p.m.

The meeting reconvened at 7.45 p.m.

The Service Head, Democratic Services advised the Council that the motion could not be voted on immediately but would lay on the table to be considered at the beginning of the debate on the relevant agenda item (item 5).

A number of councillors expressed concern that the motion which was proposed did not relate to a matter on the agenda of this part of the meeting,

could not be moved under 'Apologies for Absence', and should be treated as an emergency motion. The Service Head, Democratic Services advised the Council that this was not the case and allowed the motion."

In relation to the draft unrestricted minutes of the Ordinary Council Meeting on 28th November 2012, Councillor Gulam Robbani stated that at Agenda Item 6 ('Public Questions'), the supplementary question from Mr Shamsur Rahman at question 6.4 should read:- "Will the Mayor ask the East End Homes Board to commission an independent review of service charges?"

DECISION

That subject to the amendments above, the unrestricted minutes of the Ordinary Council Meeting held on 28th November 2012 and of the Extraordinary Council Meetings held on 11th December 2012 and 20th December 2012 be confirmed as a correct record and the Speaker be authorised to sign them accordingly.

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

Respects were paid to former Councillors Jan Alam, a former Deputy Leader of the authority, and Monir Ahmed, a former Ceremonial Mayor of Tower Hamlets, who had each died recently.

A minute's silence was observed in memory of former Councillors Alam and Ahmed and in recognition of their contribution to the Borough.

5. TO RECEIVE ANY PETITIONS

5.1 Petition from Ms Christine Whaite and Spitafields Open Space regarding public open space in Spitalfields

Mr Philip Vracas addressed the meeting on behalf of the petitioners and responded to questions from Members. The relevant Cabinet Member then responded to the matters raised in the petition.

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 Dalvi, Corporate Director, Development and Renewal)

5.2 Petitions regarding the Local Government Boundary Review**(i) From the Save Banglatown Campaign****(ii) From the Save East India and Lansbury Campaign**

A petitioner addressed the meeting in support of the petition. No questions were put by Members. The relevant Cabinet Member then responded to the matters raised in the petition.

DECISION

That the petition be referred to the Assistant Chief Executive (Legal Services), for a written response on any outstanding matters within 28 days.

(Action by: Isabella Freeman, Assistant Chief Executive (Legal Services))

5.3 Petition from Mr Mohammed Nurul Hoque and others regarding Rich Mix

Mr Yusuf Khan addressed the meeting on behalf of the petitioners and responded to questions from Members. The relevant Cabinet Member then responded to the matters raised in the petition.

DECISION

That the petition be referred to the Assistant Chief Executive (Legal Services), for a written response on any outstanding matters within 28 days.

(Action by: Isabella Freeman, Assistant Chief Executive (Legal Services))

6. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

6.1 Question from Mr Brian Nicholson regarding progress in recruiting a CEO for the Council.

6.2 Question from Mr Victor William about Weavers Adventure Playground.

6.4 Question from Ms Claire Harrisson about the 'Old Flo' Henry Moore sculpture.

6.6 Question from Mr Muhammad Shafique Islam about the Local Government Boundary Review.

6.7 Question from Mr Mohammed Mufti Miah about the impact of the Government Housing Benefit cap.

6.8 Question from Ms Lilian Collins about Poplar Baths.

- 6.9 Question from Mr Muhammad Haque about the Tower Hamlets People's Education Life and History Archive.

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

Questions 6.3 and 6.5 were not put at the meeting as the questioners were not present. Written responses would be provided to the questions.

(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 the Leader or Deputy Leader of each Minority Group then responded briefly to the Mayor's report.

8. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL

- 8.1 Question from Councillor Denise Jones on the recent stabbings in Wapping Woods.
- 8.2 Question from Councillor Peter Golds on the Code of Recommended Practice on Local Authority Publicity.
- 8.3 Question from Councillor Khaled Ahmed about the Mayor's Office staffing and advisor budgets.
- 8.4 Question from Councillor Harun Miah about tube and bus fares (no supplementary question was put).
- 8.5 Question from Councillor Abdal Ullah on the Mayor of London's proposals to reduce the number of police stations in Tower Hamlets.
- 8.6 Question from Councillor Zara Davis on Tunnel Runs in the Westferry Circus underground roundabout.
- 8.8 Question from Councillor Gulam Robbani on gaming machines (no supplementary question was put).
- 8.9 Question from Councillor Motin Uz-Zaman about the Baishakhi Mela.

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

Question 8.7 was not put at the meeting as the questioner (Councillor Shiria Khatun) was not present. A written response would be provided to the question.

The remaining questions 8.10 to 8.27 were not put due to lack of time. Written responses would be provided to the questions.

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

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

9.1 TREASURY MANAGEMENT AND INVESTMENT STRATEGY 2012/13 - MID YEAR REPORT

The Council considered the mid-year report of the Acting Chief Finance Officer on the Treasury Management and Investment Strategy 2012/13.

DECISION

To note the content of the report.

(Action by: Alan Finch, Acting Chief Finance Officer)

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

There was no business under this heading.

11. OTHER BUSINESS

11.1 BUDGET COUNCIL MEETING: CHANGE OF DATE - tabled report

The Council considered a tabled report of the Service Head, Democratic Services on the above matter. The reasons for urgency were agreed as set out in the report.

DECISION

That the date of the Budget Council Meeting be amended from 20th February to Wednesday 27th February 2013 (7.30 p.m. start); and the provisional date for any second Budget Council Meeting (if required) be amended to Thursday 7th March 2013.

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

12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL**12.3 Motion regarding Fire and Police Station Closures**

Councillor Abdal Ullah moved, and Councillor Denise Jones seconded, the motion as printed on the agenda and subject to an amendment as tabled.

Councillor Shahed Ali moved a further amendment:- "That the Council additionally (i) notes the tragic deaths of two fire fighters based in the borough in 2004; and (ii) believes that the proposed reduction in fire engines is an insult to the families of those fire fighters."

Councillors Abdal Ullah and Denise Jones accepted the first part of Councillor Ali's proposed amendment and altered their motion accordingly.

In relation to the proposal contained in the motion to invite the Borough Commanders to address a Council meeting, the Service Head Democratic Services advised the meeting that the Council Procedure Rules did not specifically provide for this and that the Council meeting was subject to a strict time limit. It may therefore be more appropriate for a separate briefing to take place outside the formal meeting. Councillors Abdal Ullah and Denise Jones agreed and further altered their motion accordingly.

The motion as so amended was put to the vote and was agreed.

DECISION**This Council notes:**

- That the first duty of politicians is to protect residents.
- That crime has been increasing in Tower Hamlets and across London.
- In 2009/10 there were 26,989 crimes reported in Tower Hamlets, in 2010/11 there were 28,670 and in 2011/12 there were 29,485. This represents over a 9% increase.
- Last year Tower Hamlets had by far the greatest number of fires in London (1,523) as well as the 5th highest call outs for specialist fire services (1,821) and the 3rd highest for false alarms (2,586).
- In total in 2011/12 there were 5,930 call outs attended by Tower Hamlets Fire Brigade.
- The tragic deaths of two fire fighters based in the borough in 2004.

This Council Further Notes:

- Boris Johnson has proposed £65m cuts to the London Fire Brigade and over £300m cuts to the London Police Service budget.

Fire Brigade

- That the Mayor of London announced earlier this month that he proposed closing Bow fire station and halving the number of fire engines at Whitechapel fire station.
- The cuts for Tower Hamlets Fire Brigade come on top of additional cuts to neighbouring boroughs with Silvertown in Newham (1 pump) and Kingsland in Hackney (2 pumps) both earmarked for closure. This will have a significant impact on Tower Hamlets' ability to deal with major incidents.
- Last year the target set by Tower Hamlets Fire Brigade for fires in the home was 227 however the actual number of these fires was 308, this is over 35% higher.

Police Service

- Tower Hamlets lost 58 PCSOs (45%) and 103 Police Officers (13%) between March 2010 and April 2012.
- The London Mayor, Boris Johnson has proposed closing half of the borough's police stations, Bow, Poplar and the Isle of Dogs, as well as reducing the service at the Limehouse police station from 24 hours to daytime only.
- The positive impact of the Safer Neighbourhood Teams introduced by the Labour Government and Labour Council in Tower Hamlets. That the SNTs helped to not only reduce crime in Tower Hamlets but also increased public confidence in the police.
- Boris Johnson's plans to cut Safer Neighbourhood Teams to the bone by cutting the teams to one police officer and one police community support officer per ward, down from six officers and staff at present.

This Council Believes:

- Closing Bow fire station and reducing the service at Whitechapel as well as closing half of the borough's police stations is reckless and a dereliction of the Mayor's duty to protect residents.
- The levels of high density housing in Tower Hamlets makes the threat and potential loss of life from fire much greater than in more less densely populated boroughs. This, paired with the fact that Tower Hamlets already has the highest rate of fires in London makes the Mayor's proposed closures completely irresponsible.

- Boris Johnson has chosen to pursue a political gimmick in giving Londoners a 7p a week cut in Council Tax which will result in massive cuts to the vital services they rely on.

This Council Resolves:

- To condemn the Mayor of London's deep cuts to fire and police stations in the borough.
- To support Labour's 999 SOS campaign against the cuts to police and fire stations in Tower Hamlets.
- To invite the Police Borough Commander to attend a meeting with all Councillors, open to the public and held in the Chamber immediately prior to the next, post-budget, Full Council meeting to brief councillors on the Mayor of London's police station closures proposals and their impact on crime levels in Tower Hamlets.
- To invite the Fire Brigade Borough Commander to attend a meeting with all Councillors, open to the public and held in the Chamber immediately prior to the next, post-budget, Full Council meeting to brief councillors on the Mayor of London's fire station closures proposals and their impact on the fire brigade's ability to respond to fires in Tower Hamlets.

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

12.6 Motion regarding Blacklisting of Workers.

Councillor Joshua Peck moved, and Councillor Bill Turner seconded, the motion as printed on the agenda and subject to an amendment as tabled.

The motion as so amended was put to the vote and was agreed.

DECISION

This Council notes:

- The GMB campaign to highlight that 3,213 workers were blacklisted by construction firms and which calls for all of those affected to be given an unreserved apology and compensation by the firms.
- That in 2009 the Information Commissioners Office (ICO) seized a database of 3,213 construction workers used by 44 companies to vet new recruits and keep out employment trade union and health and safety activists.

- That of the 3,213 workers identified on the blacklist only 194 have been informed that they appear on the list.
- Of the 194 people identified as featuring on the blacklist, 39 of these were based or attempting to find work in London.
- That some companies have admitted that they did employ a system of blacklisting workers and have apologised but have refused to pay any compensation to those workers affected.

This Council believes:

- Blacklisting is an unacceptable practice which cannot be condoned.
- That the construction firms which engaged in blacklisting should apologise to those who have been affected and denied jobs as a result of the list.
- That the Information Commissioners Office should inform all those who feature on the blacklist.

This Council resolves:

- To support the GMB campaign against the blacklisting of construction workers.
- To call on the Mayor to make clear to all construction companies bidding for Council contracts that any unlawful blacklisting of workers will not be tolerated.
- To ask Legal Services to explore how to enable the council to not contract with companies that have engaged in blacklisting and haven't paid compensation to workers.

(Action by: Isabella Freeman, Assistant Chief Executive (Legal Services))

12.9 Motion regarding Decent Homes Prioritisation

Councillor Marc Francis moved, and Councillor John Pierce seconded, the motion as printed on the agenda.

The motion was put to the vote and was agreed.

DECISION**This Council notes:**

- Brodick House on the St Stephen's Estate is the last big tower block remaining in the ownership of Tower Hamlets Council;

- It is home to 130 households (121 tenants and nine leaseholders) across 22 storeys;
- Brodick House was completed in 1968 and most flats within it still retain the original kitchen and bathroom;
- The block has suffered from persistent problems with water penetration for many years and an ineffective storage heating system that tenants have to supplement with expensive electrical heaters;
- These problematic conditions undermine the health, education and life chances of the hundred or so children in Brodick House and the well-being older residents;
- In 2005, Old Ford Housing Association demolished two similar blocks on the Monteith Estate (Antrim House and Cavan House) and upgraded the remaining (Clare House) at a cost of around £6 million;
- In 2010, East End Homes upgraded two similar blocks (Berkeley House and Grafton House) at a cost of around £10 million each;
- The reduction in Government funding for Tower Hamlets Council's remaining estates means that, in Years 1 and 2, it has concentrated resources on those homes that are easiest to bring up to the Decent Homes Standard;
- The Budget indicates that £25 million should be available for Decent Homes works in 2013/14 and £45 million in 2014/15.

This Council believes:

- The Conservative – Lib Dem Coalition Government is wrong to force councils to prioritise works on those properties with least problems;
- Tenants in Brodick House have suffered too long in very poor conditions and that improvements to the block, including new kitchens, bathrooms, and a new heating system should be a council priority.

This Council resolves:

- To call on the Mayor to commit to prioritise the most in need blocks, such as Brodick House, in the Decent Homes programme for 2013/14 and 2014/15.

Motions 12.1, 12.2, 12.4, 12.5, 12.7, 12.8 and 12.10 – 12.18 were not considered due to lack of time.

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.

14. EXEMPT MINUTES

The Council agreed a number of amendments to the draft restricted minutes of the 11th July and 20th December 2012 meetings.

DECISION

That, subject to the amendments agreed, the Part 2 (restricted) minutes of the Ordinary Council Meeting held on 28th November 2012 and of the Extraordinary Council Meetings held on 11th July 2012, 11th December 2012 and 20th December 2012 be confirmed as a correct record and the Speaker be authorised to sign them accordingly.

15. ESTABLISHMENT OF APPOINTMENTS SUB-COMMITTEE - RECRUITMENT OF CHIEF EXECUTIVE/HEAD OF PAID SERVICE

The Council considered a report of the Service Head, Human Resources and Workforce Development on the above matter. The special circumstances and reasons for urgency were agreed as set out in the report.

Councillor David Snowdon moved, and Councillor Craig Aston seconded, a tabled amendment to the recommendations in the report.

The amendment and the substantive recommendations as amended, were put to the vote and were agreed unanimously.

DECISION

1. To confirm the extension made by the Service Head HR and WD to the notice period of the Interim Head of Paid Service from 14th January until 23rd January 2013.
2. To invite Stephen Halsey to act as Head of Paid Service, retaining his role as Corporate Director CLC and with the following powers, until October 31st 2014

Non-Executive functions

- Head of Paid Service (Local Government & Housing Act 1989)

- Officer with delegated power to approve premises for the solemnisation of marriages (Marriage Act 1949)
- Community Governance – various functions relating to Community Governance Reviews under the Local Government and Public Involvement in Health Act 2007
- Power to appoint staff below Deputy Chief Officer level (Local Government Act 1972, section 112)
- Powers relating to the preservation of trees (Town & Country Planning Act 1990)
- Crime prevention policies and measures (London Local Authorities (No. 2) Act 1990)
- Gratuities to non-pensionable employees (London County Council (General Powers) Act 1930)
- Expenses of councils in connection with ceremonies (London County Council (General Purposes) Act 1951, section 32)
- Compensation to persons in the Council's service on abolition of office (London County Council (General Purposes) Act 1921) [subject to pay policy]

'Proper Officer' designations

The Head of Paid Service is designated as the "proper officer" for the following functions:

- S.83 (1) Local Government Act (LGA) 1972 – the person to whom the Mayor or a Councillor shall deliver her/his acceptance of office
- S.83 (3)b LGA 1972 – the officer before whom the Speaker of the Council and Deputy Speaker of Council make their declaration of acceptance of office
- S.88 (2) LGA 1972 – the officer who may call a Council meeting for the election to the vacant office of Speaker of Council
- S.4 LG&HA 1989 – the Head of Paid Service
- S.15 LG&HA 1989 – the officer to receive notices relating to the membership of political groups
- Schedule 12, Local Government Act 1972, Part 1 paragraph 4(2)(b) – summons to attend Council meeting.

Other delegations

- Section 4.1 of the constitution (Council Procedure Rules) contains various references to the Chief Executive as the officer who formally calls or may cancel Council and Committee meetings
3. To ask the Service Head, Democratic Services, to undertake the roles of Returning Officer (Representation of the People Act 1983, section 35) and the Electoral Registration Officer (Representation of the People Act 1983, section 8)
 4. To ask the Head of Paid Service to continue to work with the LGA to review governance arrangements to ensure that they are robust

5. To defer the recruitment process for a CE until October 2014.

(**Action by:** Simon Kilbey, Service Head, Human Resources and Workforce Development)

The meeting ended at 10.23 p.m.