



Meeting of the

TOWER HAMLETS COUNCIL

Wednesday, 17 April 2013 at 7.45 p.m.

A G E N D A

VENUE

Council Chamber, 1st Floor,
Town Hall, Mulberry Place,
5 Clove Crescent,
London E14 2BG

Democratic Services Contact:

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**TO THE MAYOR AND COUNCILLORS OF THE LONDON BOROUGH OF TOWER
HAMLETS**

You are summoned to attend a meeting of the Council of the London Borough of Tower Hamlets to be held in **THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG** at **7.45 p.m.** on **WEDNESDAY, 17 APRIL 2013**

Stephen Halsey
Head of Paid Service

Public Information

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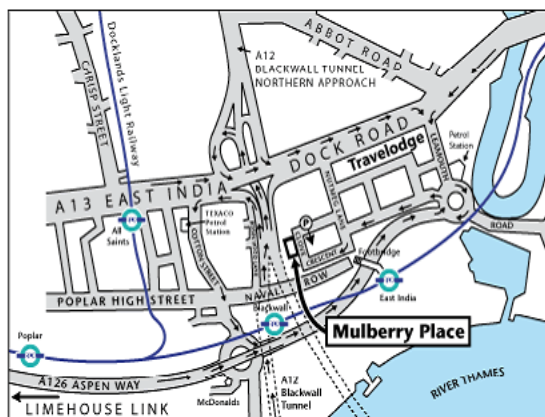
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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL

WEDNESDAY, 17 APRIL 2013

7.45 p.m.

PAGE
NUMBER

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

1 - 4

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

See attached note from the Monitoring Officer.

3. MINUTES

5 - 86

To confirm as a correct record of the proceedings the unrestricted minutes of the Ordinary Meeting of the Council held on 23rd January 2013 and the Budget Council Meetings on 27th February and 7th March 2013.

4. TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE SPEAKER OF THE COUNCIL OR THE HEAD OF PAID SERVICE

5. TO RECEIVE ANY PETITIONS

87 - 88

The Council Procedure Rules provide for a maximum of three petitions to be presented at an Ordinary Meeting of the Council. The deadline for receipt of petitions for this Council meeting is Thursday 11th April 2013. However at the time of agenda despatch three petitions have already been received as set out in the attached report.

6. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

89 - 92

The questions which have been received from members of the public for this Council meeting are set out in the attached report. A maximum period of 20 minutes is allocated to this agenda item.

7. MAYOR'S REPORT

The Council's Constitution provides for the Elected Mayor to give a report at each Ordinary Council Meeting.

A maximum of five minutes is allowed for the Elected Mayor's report, following which the Speaker of the Council will invite the respective political group leaders to respond for up to one minute each if they wish.

8. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL 93 - 98

The questions which have been received from Councillors to be put at this Council meeting are set out in the attached report. A maximum period of 30 minutes is allocated to this agenda item.

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

9.1 Gambling Act 2005 - Three year review of Gambling Policy 99 - 144

To adopt the Council's Gambling Policy following the three year review and consultation process. The report of the Head of Paid Service and Corporate Director Communities, Localities and Culture, including the draft Gambling Policy proposed by the Executive for adoption, is attached.

9.2 Queen Elizabeth II Olympic Park - Proposed Byelaws 145 - 172

To approve the making of two sets of Byelaws to cover the Queen Elizabeth II Olympic Park as set out in the attached report of the Corporate Director, Communities, Localities and Culture and the Assistant Chief Executive (Legal Services).

9.3 Local Development Framework (LDF): Managing Development - Development Plan Document Adoption 173 - 216

To adopt the Managing Development DPD, including the main modifications recommended by the Inspector following the Examination in Public and minor modifications, as a Development Plan Document which forms part of the Council's 'Local Plan' and associated decisions. The report of the Corporate Director, Development and Renewal is attached.

9.4 Localism Act 2011 - Pay Policy Statement 2013/14 217 - 228

To adopt the Council's Pay Policy Statement for 2013/14 as required by the Localism Act 2011. The report of the Corporate Director (Resources), including the draft Pay Policy Statement as proposed by the Human Resources Committee, is attached.

9.5 Review of Virement Rules

To receive any recommendations from the General Purposes Committee on this matter (report to follow – an extraordinary meeting of the General Purposes Committee has been arranged for 10th April 2013).

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

11. OTHER BUSINESS

11.1 Calendar of Meetings 2013/14 229 - 234

To agree the calendar of Council, committee etc meetings for 2013/14. The report of the Service Head, Democratic Services is attached.

11.2 Members' Allowances Scheme 2013/14 235 - 244

To adopt the Members' Allowances Scheme for the forthcoming year as required by legislation. The report of the Service Head, Democratic Services is attached.

12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL 245 - 264

The motions submitted by Councillors for debate at this meeting are set out in the attached report.

13. EXCLUSION OF PRESS AND PUBLIC

In view of the content of the remaining items on the agenda, the Council is recommended to adopt the following motion:

“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.”

EXEMPT/CONFIDENTIAL SECTION (PINK)

The Exempt/Confidential (pink) papers for consideration at the meeting will contain information which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting please hand them to the Committee Officer present.

14. EXEMPT MINUTES

To confirm as a correct record of the proceedings the exempt (restricted) minutes of the Ordinary Council Meeting held on 23rd January 2013 (draft minutes attached for Members of the Council).

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or
John Williams, Service Head, Democratic Services, 020 7364 4204

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES 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**

Members Present:

Councillor Rajib Ahmed (Chair)
Mayor Lutfur Rahman
Councillor Rachael Saunders
Councillor Harun Miah
Councillor Motin Uz-Zaman
Councillor Rofique U Ahmed
Councillor Abdul Asad
Councillor Shafiqul Haque
Councillor Sirajul Islam
Councillor Denise Jones
Councillor Ohid Ahmed
Councillor Oliur Rahman
Councillor Helal Abbas
Councillor Marc Francis
Councillor Peter Golds
Councillor Tim Archer
Councillor Carli Harper-Penman
Councillor Shahed Ali
Councillor Ann Jackson
Councillor Dr. Emma Jones
Councillor Rania Khan
Councillor Lutfu Begum
Councillor Joshua Peck
Councillor Alibor Choudhury
Councillor Bill Turner

Councillor Abdal Ullah
Councillor Stephanie Eaton
Councillor David Snowdon
Councillor David Edgar
Councillor Md. Maium Miah
Councillor Craig Aston
Councillor Lesley Pavitt
Councillor Zenith Rahman
Councillor Aminur Khan
Councillor Zara Davis
Councillor Kabir Ahmed
Councillor Gloria Thienel
Councillor Anwar Khan
Councillor Helal Uddin
Councillor Kosru Uddin
Councillor Rabina Khan
Councillor Judith Gardiner
Councillor Amy Whitelock
Councillor Khales Uddin Ahmed
Councillor Carlo Gibbs
Councillor Mizan Chaudhury
Councillor John Pierce
Councillor Gulam Robbani

The meeting commenced at 7.37 p.m.

The Speaker of the Council, Councillor Rajib Ahmed, in the Chair

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?"

RESOLVED

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

The Speaker stated that Members may be aware that former Councillors Jan Alam, a former Deputy Leader of the authority, and Monir Ahmed, a former Ceremonial Mayor of Tower Hamlets, had sadly each died recently.

Both were dedicated public servants and at the invitation of the Speaker 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 Spitafields

Mr Philip Vracas addressed the meeting on behalf of the petitioners and responded to questions from Members.

Councillor Shahed Ali, Cabinet Member for Environment, then responded to the matters raised in the petition. He understood the concerns and issues that were being raised; and he was also committed to protecting open spaces. Councillor Ali reported that if the petitioners presented new information to officers this would be investigated.

RESOLVED

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

5.2 Petitions regarding the Local Government Boundary Review

- (i) From the Save Banglatown Campaign**
- (ii) From the Save East India and Lansbury Campaign**

The petitioners addressed the meeting. No questions were put by Members.

Councillor Ohid Ahmed, Deputy Mayor, responded to the matters raised in the petitions. He stated that removal of the word Banglatown would be a blow to the community and that he and the Mayor were against this change. He stated that Banglatown, Lansbury and St Dunstan's should all be retained as ward names.

RESOLVED

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

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.

Councillor Rania Khan, Cabinet Member for Culture, responded to the matters raised in the petition. She stated that she felt the centre was too expensive and was not catering to local people. She reported that the Council was pursuing recovery of loan monies from the centre in the High Court and this case was likely to be heard later in 2013 or 2014.

RESOLVED

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

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.

Can the Mayor tell us how the council is progressing with the recruitment of the CEO?

Response by Councillor Alibor Choudhury, Cabinet Member for Resources

Thank you for your question Brian. After 18 months, numerous processes and a number of legal actions at great cost to the Council, the Council has not appointed a CEO despite having good candidates amongst our senior officers.

The good thing is the Council has coped well and the Mayor has been able to continue to deliver on his key priorities. Despite not having a CEO and with the help of a strong senior management team of officers the Mayor has been able to deliver his manifesto pledges, fight the Government cuts, protect front line services and protect residents' pockets. He has:-

- reintroduced EMA
- frozen Council Tax for four years
- built more homes than any other council in the country
- introduced a replacement 'Aim Higher' scheme
- established an energy cooperative to save residents hundreds of pounds on utility bills; and
- become the first Living Wage borough and is now campaigning for a Living Rent

In these circumstances the Mayor has written to the Group Leaders suggesting that the Council consider saving money by reviewing the need for a CEO post and investing those savings in front line services.

Summary of Supplementary Question from Mr Brian Nicholson

Whilst I am glad to hear that savings are being made, can you confirm to me whether an elected member recently settled a case out of court for a six figure sum and who the officer and Member concerned were?

Summary of Councillor Alibor Choudhury's response to the Supplementary Question

Unfortunately confidentiality rules mean I cannot confirm those matters.

6.2 Question from Mr Victor William about Weavers Adventure Playground.

First of all I would like to thank the Mayor for supporting the Weavers Adventure Playground with the MSG grants. We provide an exciting and stimulating environment for children and young people to play, learn, develop and increase their health and wellbeing. We would obviously like to continue our work given the safe, secure and multi-cultural environment that we offer.

It is precisely because of the current climate that our provision is of increasing importance. The impact to families and the community if Weavers has to reduce their opening hours will be enormous. We provide training opportunities for volunteers, many of whom have moved on to full time employment and we encourage participation from parents at all times. Indeed, it is not simply a playground but a vibrant community resource.

In these times of austerity, how can the council support our project to ensure that we continue to provide these services to the local community?

Response by Councillor Oliur Rahman, Cabinet Member for Children's Services

Thank you for bringing this question. We recognise that Weavers Adventure Playground provides a valuable resource to the local community which is evident from our continued investment in the facility albeit at a reduced level of funding.

The Mayor and his administration are committed to supporting the local voluntary and community sector and we have maintained our grants programmes at a time when other authorities have cut theirs. Indeed, we have invested significantly more funding overall in our MSG programme, which means that projects such as Weavers can continue to provide much needed support to local residents, which is particularly important during these times of Tory-led austerity. I was very disappointed to see some of Labour Group tactics and increasingly strange behaviour from their Leader over this matter.

The new MSG programme will provide a diverse range of services to support the changing needs of our community and meet the increased demand for specific targeted support services. We will work closely with organisations that have seen a reduction in their grants and provide support to enable them to secure alternative sources of funding; and I am happy to meet your group to discuss your needs.

Summary of Supplementary Question from Mr Victor William

Will the Mayor ensure that our group is given proper consideration in future grant application rounds?

Summary of Councillor Oliur Rahman's response to the Supplementary Question

Information about all future funding programmes will be advertised on the Council's website. I will also be happy to put you in touch with officers who can offer advice.

6.3 Question from Ms Kathy McTasney about the Council's financial settlement from Central Government.

The questioner was not in attendance. The Service Head, Democratic Services advised the meeting that a written response would be provided to the questioner [see Appendix A attached to these minutes].

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

There has been lots of press coverage about the disputed ownership of the Old Flo Henry Moore sculpture and the Mayor's attempts to sell it. What steps were taken by the Council to ensure 100% that the sculpture actually belonged to Tower Hamlets?

Response by Councillor Rania Khan, Cabinet Member for Culture

Thank you Claire for your question. I understand that you were prominent in Cambridge University Labour and are an aspiring candidate.

For your information, the Council has checked all the records and leading Counsel has reviewed this and confirmed that it is his "firm opinion" that the Council is the owner.

I find it shocking that the Opposition tried everything to stop us from selling this to raise essential funds to invest in the borough's future; and that members of this chamber are now supporting attempts to take this

community asset from the people of Tower Hamlets for nothing. They should hang their heads in shame.

Summary of Supplementary Question from Ms Claire Harrison

How much money has the endeavour to sell the statue already cost the Council, including legal advice?

Summary of Councillor Rania Khan's response to the Supplementary Question

I do not have the detailed figures in front of me but I can assure you that the sum involved is a very reasonable amount.

6.5 Question from Mr Junnel Uddin about the number of new homes being built in the borough.

The questioner was not in attendance. The Service Head, Democratic Services advised the meeting that a written response would be provided to the questioner [see Appendix A attached to these minutes].

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

Can the Mayor tell us what he is doing to the fight the offensive attempt by the Conservative group to erase Banglatown & Lansbury from the borough's ward map?

Response by Councillor Ohid Ahmed, Deputy Mayor

Thank you for your question. As I mentioned earlier, we condemn in the strongest possible way the clear attempt by the Conservative Party, led by Cllr. Peter Golds, to abolish historic ward names.

Cllr. Golds has caused deep offence by his attempts to influence the Local Government Boundary Commission in this way, and by his subsequent comments in a satellite channel interview on Sky 815, aired on 22nd November 2012 where he said about Banglatown, and I quote:-

'What will happen if every single tiny group in the country suddenly decides they want their local government ward named after it? What are we going to have, Earls Court and Kangaroo Valley for the Australians?'

For these offensive and derogatory comments, Cllr. Golds should apologise not only to the residents of Spitalfields and Banglatown for the upset he has caused, but also to Australians and Bangladeshis

Summary of Supplementary Question from Mr Muhammad Shafique Islam

Will Councillor Peter Golds say sorry?

Summary of Councillor Ohid Ahmed's response to the Supplementary Question

I think he should do.

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

As we begin to feel the full impact of the Government Housing Benefit cap, can the Mayor update in this meeting what the Council is doing to inform residents and mitigate against the adverse impact?

Response by Councillor Rabina Khan, Cabinet Member for Housing

Thank you for your question. These reforms pose an enormous risk to the residents of Tower Hamlets – they will increase homelessness and poverty in the borough. They are reckless and undermine the work of Councils like ours to support the most vulnerable in our community. We can only help residents if they understand the changes occurring and are able to reach support and advice quickly.

We have created a £1m homelessness fund to support the most vulnerable families and residents.

I am delighted that through my and this Mayor's lobbying, we have ensured that the benefit cap will no longer be implemented in Tower Hamlets in April, but later in the year. We will be using this extra time to ensure we reach even more residents with advice and support.

Tower Hamlets has implemented a number of actions to mitigate the impact of the cap including:-

- Borough wide awareness campaigns of the changes
- Personalised joint housing options / employment advice visits to every household who is at 'high' and 'medium' risk
- A series of high profile drop in roadshow events ("Money Matters Month") providing advice to over 600 residents in one month
- A short welfare reform video, booklet and practitioners guide
- Ongoing training for council, housing provider and partnership staff
- A rich number of resources for residents and practitioners on our website: www.towerhamlets.gov.uk/welfarereform

Meanwhile the Government's response to the concerns of councils and charities up and down the country has been woeful and at the same time as working families are facing enormous problems the new Governor of the Bank of England has been awarded a £480k salary.

[No supplementary question arising from the above question or response was asked.]

Procedural Motion

Councillor Oliur Rahman **moved** and Councillor Ohid Ahmed **seconded** a procedural motion – “That under Procedure Rule 14.1.3 the order of business be altered to consider Motion 12.11 ‘Motion regarding the impact of Housing Benefit ‘reform’ on women and families” now, followed by Motion 12.13 “Motion against erasing the history of Tower Hamlets”. The procedural motion was put to the vote and was **defeated**.

The following Members requested that it be recorded that they voted **in favour** of the above procedural motion:- Councillors Kabir Ahmed, Ohid Ahmed, Rofique Ahmed, Shahed Ali, Abdul Asad, Lutfu Begum, Alibor Choudhury, Shafiqul Haque, Aminur Khan, Rabina Khan, Rania Khan, Harun Miah, Maium Miah, Oliur Rahman and Gulam Robbani.

6.8 Question from Ms Lilian Collins about Poplar Baths.

We are very pleased with the announcement made by the Mayor about the plans to bring back Poplar Baths into community use.

Can the Mayor outline the next steps and possible timescales to complete the restoration of the Baths?

Response by Councillor Rabina Khan, Cabinet Member for Housing

Thank you Lil for your question. May I take the opportunity, on behalf of the Mayor and this Administration, to thank you and your colleagues for your tireless campaigning and dedication to bring this historic site back into community use.

We are delighted to be bringing this much loved community asset back into use where residents can again enjoy first class leisure facilities and restore the baths to its former glory.

In terms of next steps, you will be consulted on the design and pre planning consultation by the end of May 2013 and we hope start on site in December 2013 or January 2014.

Summary of Supplementary Question from Ms Lilian Collins

Will the Mayor be looking to bring other heritage buildings back into community use?

Summary of Councillor Rabina Khan's response to the Supplementary Question

The Mayor has worked to bring back or improve a number of important locations including Bancroft Library, the Cable Street mural, Stairway to Heaven memorial and Victoria Park and will continue to protect and promote the borough's proud heritage.

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

Will Tower Hamlets Council support in principle the Tower Hamlets Peoples Education Life and History Archive that is a move to record and chronicle for present and future generations the lives of all the people who make up this community?

Response by Councillor Rania Khan, Cabinet Member for Culture

This Administration recognises the importance of local history projects and histories of all communities that make up our borough. They strengthen community cohesion and reinforce our One Tower Hamlets policy in the borough. For example the Mayor saved Bancroft Library from the previous administration's intention to dispose of it.

The Council is aware of the aspiration of Youth Initiative UK to establish a centre in the borough. A number of organisations have already indicated their support for this project and on the basis of the information provided we will be pleased to support the initiative in principle and wish the project well for its fundraising.

Summary of Supplementary Question from Mr Muhammad Haque

As far as possible in the current economic climate, will the Council be able to offer practical support to this organisation?

Summary of Councillor Rania Khan's response to the Supplementary Question

We recognise the importance of the project. We have a history of supporting the preservation of the Borough's history and will offer support where we can.

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 each 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.**

In December in Wapping Woods two women were stabbed in separate incidents that made residents frightened to go out. A public meeting was quickly organised by me and the police Safer Neighbourhood Team to brief residents and listen to their concerns about safety in Wapping. Can the Mayor tell the Council what steps officers have taken to improve public safety in Wapping since these stabbings took place?

Response by Councillor Ohid Ahmed, Deputy Mayor

Public safety is a priority for the Mayor, for this administration and for me.

We were all deeply shocked of the news that two women were stabbed in Wapping. As I am sure you are aware, a man has been arrested and charged with attempted murder and is on remand awaiting trial. CCTV was installed the next day in the area.

My best wishes go out for the speedy recovery of the two women. Fortunately this type of serious assault is very rare in Wapping. However, it is because of these shocking incidents that I and other councillors including the ward member Councillor Haque attended the public meeting on 8th January along with senior officers from the Council, the Police and Tower Hamlets Homes to listen to residents' concerns.

Summary of Supplementary Question from Councillor Denise Jones

The attacks took place over the Christmas and New Year period. I tried to contact the Head of Paid Service, other Directors and Service Heads without success. Councillors were not told who to call over the holiday period and there was a lack of response. We only found out on the day of the public meeting who would be attending.

What will the Mayor do to ensure that Councillors know who to contact and are kept informed of actions taken, and can we have an administration that makes the Borough safe?

Summary of Councillor Ohid Ahmed's response to the Supplementary Question

The relevant Service Heads were at the residents meeting. Councillors should know who to contact and instead of playing politics, if the matter had been raised with me I would have helped. Swift action was taken in this case and we are also visiting every ward in the borough to discuss community safety. In Wapping, Council services are liaising with the police and we are planning a further walkabout with residents to look at additional improvements.

8.2 Question from Councillor Peter Golds on the Code of Recommended Practice on Local Authority Publicity.

In 2011 the Parliament approved the "Code of Recommended Practice on Local Authority Publicity". Tower Hamlets Council has chosen to ignore this code, in particular by continuing to publish East End Life at cost to the taxpayer.

The Government has announced that to ensure compliance of the Code of Recommended Practice legislation is to be introduced which will empower the Secretary of State to make a direction requiring compliance with some or all of the Publicity Code's recommendations.

Will the Mayor announce when he proposes to cease publication of East End Life, which contravenes the Code?

Response by Councillor Alibor Choudhury, Cabinet Member for Resources

Let's start with the facts. The code is not law, it is guidance. Local authorities must have 'regard' to the code when deciding on publicity and that is exactly what we did.

The Council undertook a comprehensive review into East End Life which included:-

- a consultation with over 600 responses
- a review of practice in other local authorities
- a review of alternative methods of reaching the borough's residents
- a cost benefit analysis to ascertain the cost associated with getting information across to residents using other means
- external legal advice from counsel.

72% of people consulted felt positively about East End Life and over half (53%) of respondents wanted to see East End life continue as a weekly publication.

The review also found that other local papers had limited distribution in

the borough and that the cost of using alternative publications would be more expensive, costing the taxpayer more. East End Life is budgeted at zero cost for this financial year and is on track to achieve its income target.

East End Life is compliant with the code in all respects except where the code suggests to publish quarterly. With public health responsibilities returning to local authorities from April this year a council publication becomes even more important.

The District Auditor said of East End Life in September 2011 that:-
"The Council has had regard to the Code of Recommended Practice on Local Authority Publicity and has taken Counsel's advice on the impact of the Code. The Council's interpretation of the current law in this area is very similar to my own".

If the Secretary of State thinks he knows best what the residents of Tower Hamlets want he should examine the last local and general election results.

Of course we have all heard the rumours that Mr Pickles is planning legislation. Is this really a cost a good use of Parliament's time when we are about to enter a triple dip recession? Local councils are best placed to decide what works locally. Mr Pickles should get on with clearing up the economic mess of his Tory-led Government.

Summary of Supplementary Question from Councillor Peter Golds

I have copies of letters from DCLG which confirm that when the legislation is introduced you will be directed to close East End Life. I am also aware that the Mayor's subsidy to Channel S will be criticised by Ofcom. The Government will change the law, why are you pretending otherwise?

Summary of Councillor Alibor Choudhury's response to the Supplementary Question

I will not repeat what I have already said. We are not going to take advice from Mr Eric Pickles MP whose department spends £10k per year on biscuits whilst forcing boroughs to cut services to the most vulnerable.

8.3 Question from Councillor Khaled Ahmed about the Mayor's Office staffing and advisor budgets.

In a time of significant cuts why does the Mayor think it is right to increase his staffing and advisor budget by over 65%?

Response by Councillor Alibor Choudhury, Cabinet Member for Resources

Councillor Ahmed, you say there has been a 65% increase, but looking at the work done by the team since the Mayor has been in office there has been a 700% increase in Member's Enquiries from Councillor Abbas alone. The figures you quote are not actual staffing cost but it includes stationary, printing, postage, supplies and contingencies. As I understand it, our costs are comparable to Labour mayoral boroughs that have:-

- Failed to save the EMA
- Failed to provide Free Homecare for the elderly and vulnerable
- Failed to keep all Libraries and Leisure centres open, and
- Failed to keep up with our house building programme, which is the most prolific in the country.

Why don't you ask our neighbours what their mayors are doing with their office costs?

Summary of Supplementary Question from Councillor Khales Ahmed

Why do you need so many advisors if you have a Cabinet of all the talents and at a time when residents are having their benefits cut?

Summary of Councillor Alibor Choudhury's response to the Supplementary Question

The advisors are value for money when you look at what they are delivering, unlike some of the expenditure incurred by Labour members for example on training by RADA, taxis and Special Responsibility Allowances of £3,000 per hour.

8.4 Question from Councillor Harun Miah about tube and bus fares

Does the Mayor agree that this month's increase in the cost of tube and bus fares by an average of 4.2% and in some cases by as much as 7.1% is unacceptable; will present an additional challenge to the tens of thousands of Tower Hamlets families who rely on public transport to get to work, school, college, university and to see friends and family; and will he in light of this undertake to write to Mayor of London Boris Johnson expressing our view that Transport for London should end its policy of above inflation fare rises for bus and tube passengers?

Response by Councillor Shahed Ali, Cabinet Member for Environment

This Tory Chancellor, in his first two and a half years in office has already increased rail fares by 12 per cent. By the end of his term, he will have seen them increased by a staggering 20 to 25 per cent.

Hiking up fares increases only makes problems of congestion and air pollution worse London and does nothing to persuade people out of their cars.

Our rail fares are the highest in Europe but I don't think you will find anyone who would claim that we have the best rail services in Europe.

I will be writing to Boris Johnson calling on him to use his position to speak out for London's commuters. Unfortunately in view of his comments defending the fare rises I don't hold out much hope that he will be champion for the thousands of hard working families hit by these increases.

[No supplementary question was asked.]

8.5 Question from Councillor Abdal Ullah on the Mayor of London's proposals to reduce the number of police stations in Tower Hamlets.

Earlier this month the Tory Mayor of London revealed his budget including proposals to halve the number of police stations in Tower Hamlets. What steps will the Mayor take to mitigate the impact of these cuts?

Response by Councillor Ohid Ahmed, Deputy Mayor

The Council is committed to taking services closer to the community through the localisation of its services into the four locality-based offices. We have successfully opened up two of the four offices and are on target to have all four offices opened by the end of this financial year. A key element of this work is to co-locate police teams into the four bases.

A formal commitment has been made for the police to co-locate into each of the four bases and we have successfully been operating from the Toby Club for over a year.

The closure of Police Stations is something that the Mayor is actively engaged in lobbying against and the Borough Commander is well aware of his position.

Summary of Supplementary Question from Councillor Abdal Ullah

This is a worrying issue. We have already discussed the stabbing in Wapping and I attended the public meeting as a local resident. As our representative at London Councils will the Mayor reach out to find as many allies as possible to oppose these cuts and protect the people of Tower Hamlets?

Summary of Councillor Ohid Ahmed's response to the Supplementary Question

We are already delivering in this important area to safeguard the borough and we are fortunate to have excellent members, staff and advisors. I would urge all councillors to co-operate in this and not give wrong messages to the outside world.

8.6 Question from Councillor Zara Davis on Tunnel Runs in the Westferry Circus underground roundabout.

What action has been taken by the Council to prevent Tunnel Runs occurring in the Westferry Circus underground roundabout, since the meeting between the Council and Police on 5th December?

Response by Councillor Shahed Ali, Cabinet Member for Environment

The Council and Police met on 5th December 2012 to review their joint response to the Tunnel Running issue at Westferry Circus. The following areas were revisited and agreed.

The Police will continue to monitor social websites to identify potential events that may take place at Westferry Circus.

Any events advertised the police will post a notice on the website stating that the police and local authority will take a robust response to any event at Westferry Circus, and it will include:-

- Prosecuting people for road traffic offences
- Stopping and conducting police examination of vehicles
- Notifying insurance companies of any vehicle modifications and driver behaviours; this will have an impact on insurance premiums
- Injunctions or Asbos will be taken out
- The location will be subject to a dispersal notice, providing police with additional powers and will support any application for an injunction etc
- The Council will install barriers to restrict the ability to park in the Circus
- Automatic number plate readers will be used to obtain evidence

of vehicles

- CCTV of both Canary Wharf and Council will be optimised
- Council will work with the Police to have a dispersal notice to cover the area
- The Police will ensure that this is a local policing priority (PP)
- The Council and Police will write to the owner/parents/ insurance companies outlining the behaviour and vehicle modifications etc
- Local Police will liaise with New Scotland Yard for a Pan London approach for this type of incident
- If or when the Council or Police have prior notification that an event will take place there will be a co-ordinated Partnership response that will ensure that local police officers, MPS traffic police, local authority THEO's, parking control and CCTV are co-ordinated to prevent and deal with the incident as it arises

If an event takes place without prior warning the local police and council officers will attend to disrupt the activity and try to stop the event using the power provided by the dispersal notice and there'll be using technology to obtain best evidence for injunctions, insurance companies etc.

Summary of Supplementary Question from Councillor Zara Davis

Whilst I am glad there is cooperative working going on I am concerned that some key actions agreed – for example barriers and dispersal notices - may have been abandoned. Can I ask the Cabinet Member to provide written confirmation and ensure that the actions proposed will effectively address the issue, as these runs are continuing?

Summary of Councillor Shahed Ali's response to the Supplementary Question

Yes, I will provide you with a full response that I hope will address your concerns but please discuss it further with me should you wish.

8.7 Question from Councillor Sharia Khatun on gritting roads and walkways.

The questioner was not in attendance. The Service Head, Democratic Services advised the meeting that a written response would be provided to the questioner [see Appendix A attached to these minutes].

8.8 Question from Councillor Gulam Robbani on gaming machines.

Does the Mayor share our concerns regarding the high level of gaming machines in use in Tower Hamlets that has been in the news recently?

Response by Councillor Rania Khan, Cabinet Member for Culture

I am very concerned. It is shocking that in these times of recession Tower Hamlets residents have spent over £400 million on gambling.

I am particularly concerned about the impact of fixed odds betting terminals in the borough's betting shops. These machines were brought into betting shops when the industry was unregulated in 2001/2002.

The Government has made it clear that they are not going to change the law with regards to these gaming/betting machines and betting shops will continue have them in their premises.

While we are bound by statutory gambling laws here is possibility that we could use Planning and our Commercial leasing arrangements to affect further controls. This is being reviewed at present and our officers are working with the London-wide Licensing Managers Group and the Fairer Betting Group.

[No supplementary question was asked.]

8.9 Question from Councillor Motin Uz-Zaman about the Baishakhi Mela.

On the 19th September 2012 the Council passed a motion resolving:

- To call upon the Mayor to undertake a full independent review of the 2012 Baishakhi Mela to ensure that it met all of its contractual obligations and provided a service which best served the community.
- To call upon the Mayor to make public the findings and report of the independent review into the 2012 Baishakhi Mela and to report back to Full Council on 23rd January 2013 on the findings.

Can the Mayor explain what progress has been made on this issue?

Response by Councillor Rania Khan, Cabinet Member for Culture

At the end of November an Independent Panel reviewed the performance of the Baishakhi Mela Community Trust over two days. The Panel recommended that subject to the completion of a satisfactory audit the Boishakhi Mela Community Trust Ltd continue to manage the Boishakhi Mela for 2013; and that a further independent review take place at the conclusion of the 2013 Mela rather than at the end of three years.

The Mayor has accepted these recommendations. The independent audit referred to in the recommendations is still underway although it is nearing a conclusion and will be provided to Members once it is

finished.

Summary of Supplementary Question from Councillor Motin Uz-Zaman

Can I seek assurance that the independent review will be brought to the Council and when this will be; and is it true that the Mela will be moving from Brick Lane?

Summary of Councillor Rania Khan's response to the Supplementary Question

The review will be presented to the Cabinet and you will be welcome to ask questions there.

Time limit for item

At this point the Speaker informed the meeting that the time allocated for Members' Questions had expired.

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

[Note: the written responses subsequently provided are included in Appendix A attached to these minutes.]

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.

Councillor Alibor Choudhury **MOVED** and Councillor Ohid Ahmed **SECONDED** the recommendations contained in the report.

RESOLVED

To note the content of the report.

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

There was no business under this heading.

11. OTHER BUSINESS (IF ANY)**11.1 BUDGET COUNCIL MEETING: CHANGE OF DATE - Tabled Paper**

The Council considered the report of the Service Head, Democratic Services and agreed the reasons for urgency as set out in the report.

RESOLVED

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.

12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL**Procedural Motion**

Councillor Anwar Khan **moved** and Councillor Joshua Peck **seconded** a procedural motion – “That under Procedure Rule 14.1.3 the order of business be altered to consider Motions 12.3 “Motion regarding fire and police station closures”, 12.6 “Motion regarding Blacklisting of Workers” and 12.9 “Motion regarding Decent Homes Prioritisation” and then move on to the Exempt part of the meeting. The procedural motion was put to the vote and was **agreed**.

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**. Accordingly it was:-

RESOLVED**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 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.

Procedural motion

Councillor Alibor Choudhury **moved**, and Councillor Ohid Ahmed **seconded**, that under Procedure Rule 14.1.13 the order of business be varied to debate motion 12.13 'Motion against erasing the history of Tower Hamlets' as the next item of business. The procedural motion was put to the vote and was **defeated**.

The following Members requested that it be recorded that they voted **in favour** of the above procedural motion:- Councillors Kabir Ahmed, Ohid Ahmed, Rofique Ahmed, Shahed Ali, Abdul Asad, Lutfa Begum, Alibor Choudhury, Stephanie Eaton, Shafiqul Haque, Aminur Khan, Rabina Khan, Rania Khan, Harun Miah, Maium Miah, Oliur Rahman and Gulam Robbani.

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**. Accordingly it was:-

RESOLVED**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.

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**. Accordingly it was:-

RESOLVED

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.

In accordance with the agreed procedural motion, following the conclusion of the debate on Motion 12.9 the meeting moved on to the next item of business.

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

RESOLVED

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.

RESOLVED

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. Accordingly it was:-

RESOLVED

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.

The meeting ended at 10.23 p.m.

Councillor Rajib Ahmed
Speaker of the Council

Appendix A**WRITTEN RESPONSES PROVIDED TO THOSE PUBLIC AND MEMBERS' QUESTIONS THAT WERE NOT PUT AT THE COUNCIL MEETING ON 23RD JANUARY 2013****6.3 Question from Ms Kathy McTasney**

Can the Mayor explain what has been the Council's financial settlement from Central Government for this year?

Written response by Councillor Alibor Choudhury, Cabinet Member for Resources

Thank you for your question Kathy. I can understand local residents' concerns about the ongoing cuts to our budget by this Tory-led government.

This year's cut was 3.2% of our budget. This was a smaller cut than in previous years and was in line with what we had anticipated, although this is still a cut of 8% in real terms.

We have now set a balanced budget for the next two years. This budget still:-

- Protects vulnerable residents
- Protects frontline staff
- Protects services that residents rely on such as libraries and Idea Stores, youth services, free homecare and Children's Centres
- Protects our investment in the third sector

And puts more money into residents' pockets through the Council Tax freeze; protection of Council Tax Benefit; extension of the London Living Wage; the Mayor's Education Awards; making it easier for local businesses to bid for Council contracts; and holding down Residents' Fees and Charges

6.5 Question from Mr Junel Uddin

Housing is the single most important issue affecting residents in this borough. Figures released by the Department for Communities and Local Government show that Tower Hamlets is building the highest number of homes in the country. Is that true?

Written response by Councillor Rabina Khan, Cabinet Member for Housing

Yes, I am delighted to say that this is true. The most recent figures released by the DCLG confirm that Tower Hamlets has again built more houses than any other local authority. We have delivered 2,922 units last year.

This is important, not just because of the much needed homes they provide, but also because of the level of New Homes Bonus this awards us. The Government introduced the New Homes Bonus, which rewards Councils for building new homes. Due to our impressive house building record we have been awarded a total of over £16.1m, the highest in the country.

Figures from central government also show that we have built more affordable units than any other local authority in the country. From 2008 – 2012, we have delivered 6,300 affordable homes.

At a time when private sector rents are soaring and the Government is slashing Housing Benefit, I am delighted that we are providing affordable homes for the residents of this borough.

The Labour Party should stop the playground politics and support the Mayor in addressing some of the most pressing needs of our residents.

8.7 Question from Councillor Shiria Khatun

What plans does the Mayor have to ensure that all of the borough's major roads and walkways are gritted and ice free during the cold winter months?

Written response from Councillor Shahed Ali, Cabinet Member for Environment

Councillor Khatun will be pleased to know that following previous extreme winter weather conditions we have invested over £200,000 in a purpose built salt storage facility and have also purchased additional salt spreading equipment.

To date we have over 2000 tonnes of rock salt within the facility which will be sufficient to manage any severe weather conditions for a prolonged period.

The Council has a Winter Maintenance Plan which is reviewed every year and sets out the operational response to bad weather and the resilience measures for exceptional and prolonged severe weather.

8.10 Question from Councillor Tim Archer

Will the Mayor outline what meetings he has had with London City Airport and who he has nominated to serve on the Consultative Committee to alleviate the problems faced by Isle of Dogs residents as a result of noise pollution from flights from the increased flights from London City Airport?

Written response by Councillor Shahed Ali, Cabinet Member for Environment

London City Airport (LCA) and Newham have powers on this issue. The Council's representative on the LCA Consultative Committee is Stephen

Mutton, who was appointed on 23rd November 2011 by the General Purposes Committee, which the Labour Group control.

We are making sure LCA are aware of all our residents who will be affected on the Isle of Dogs and demanding that they provide insulation to those residents' properties.

Perhaps the councillor can raise the issue with his London Mayor about his plan to address this issue – what some have dubbed Boris Island.

8.11 Question from Councillor Rachael Saunders

On what basis did the Mayor agree to cut public health services?

Written response by Councillor Abdul Asad, Cabinet Member for Health and Wellbeing

Councillor Saunders, there are no cuts to these budgets.

8.12 Question from Councillor Stephanie Eaton

Does the Mayor share my concern about the impact of the 2005 Gambling Act and the increase in the number of betting shops in the Borough and the potential impact that gambling may have on vulnerable residents, and, will he ensure that the LBTH Gambling Policy contains measures to:

- Prevent gambling from being a source of crime and disorder
- Protect children and other vulnerable persons from being harmed or exploited by gambling
- Protect people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs

and will the Mayor include in the LBTH Gambling Policy measures to:

- Control access to gambling premises by children under the age of 18
- Require licensed premises to have a nationally registered proof of age scheme
- Require licensed premises to operate a self-barring scheme for problem gamblers
- Require licensed premises to provide Gam Care, or similar, information
- Require licensed premises to record attempts to enter by under-age people
- Require licensed premises to record incidents of attempts to enter by those who are voluntarily excluded, those subject to mandatory exclusions, children attempting to enter with complicit adults.

and will the Mayor ensure the LBTH Gambling Policy encourages licensed premises to prevent customers:

- Increasing the amount they have decided to gamble
- Enter into continuous gambling for a prolonged period
- Continue gambling when they have expressed a wish to stop
- Regamble winnings
- Chase losses

Written response by Councillor Rania Khan, Cabinet Member for Culture

I share Councillor Eaton's concerns about the impact of gaming machines and gambling in the borough. I am happy to assure her that the new proposed Gambling Policy that has been consulted upon includes all of these provisions.

The increased media scrutiny on Betting Shops has meant that our new policy is even more important and will require effective monitoring.

A Gambling Policy is required by statute to enable the Council to carry out its statutory functions. However, there is possibility that we could use Planning and our Commercial leasing arrangements to affect further controls. This is being reviewed at present and our officers are working with the London-wide Licensing Managers Group and the Fairer Betting Group.

8.13 Question from Councillor Joshua Peck

Is the Mayor planning to sign up to the LCC 'Safer Lorries Campaign' pledge which will help to improve the safety of residents by ensuring councils only sign new contracts with the safest haulage companies, which meet specified safety conditions?

Written response by Councillor Shahed Ali, Cabinet Member for Environment

Yes. We take the safety of cyclists on our roads very seriously and particularly understand the importance of reducing the risk of accidents involving larger vehicles and cyclists.

We are already working closely with our contractors and the council's own Transport Services fleet, on addressing cycle safety through driver education and vehicle technology and accessories.

In addition we have worked with Transport for London to provide free cycle safety awareness training for drivers employed by other private operators in the area. We also work frequently with the Metropolitan Police on Exchanging Places events which demonstrate blind-spots of larger vehicles to cyclists.

The Council will use its best endeavours to seek to incorporate elements of this pledge into future contracts and officers are currently considering the feasibility of this element of the request.

8.14 Question from Councillor Dr Emma Jones

What is the Mayor doing to improve the lighting and remove the overgrown shrubbery in Wapping Woods?

Written response by Councillor Ohid Ahmed, Deputy Mayor

Public safety is a priority for the Mayor, for this administration and for me. We were all deeply shocked of the news that two women were stabbed in Wapping. As I am sure you are aware, a man has been arrested and charged with attempted murder and is on remand awaiting trial.

My best wishes go out for the speedy recovery of the two women. Fortunately this type of serious assault is very rare in Wapping. However, it is because of these shocking incidents that I and other councillors including the ward member Cllr Haque attended the public meeting on 8th January along with senior officers from the Council, the Police and Tower Hamlets Homes to listen to residents' concerns.

A wide range of issues were discussed during the packed meeting and it was agreed that a CCTV camera would be installed within 2 days, signs would be erected to advise them that CCTV monitoring was in operation. This has been done.

Prior to the meeting officers had visited the location to assess lighting requirements for the area and had identified that some repairs were necessary and these would be dealt with immediately. In addition, Tower Hamlets were reviewing the condition and position of their lights that were adjacent to the wooded area.

Officers also undertook to meet with a local business to encourage them to turn on some lamp standards that were not operating and to cut back foliage on their property. The Council have also cut back and reduced the amount of foliage around the park.

Council services are also liaising with the police and are planning a night-time walkabout with residents to look at any additional improvements. All partners have ensured that additional reassurance patrols have taken place in the area and this includes THEOs, safer neighbourhood teams and the police partnership team funded by the local authority.

Members of the public are also encouraged to attend the local ward police panel meetings, the next one will be at St. George's Town Hall on Wednesday 6th February (6pm). All are welcome.

8.15 Question from Councillor Bill Turner

How many vacancies were there in each of the last twelve months in a) the CSF directorate and b) the AHW directorate, and what percentage of these were social workers?

Written response by Councillor Alibor Choudhury, Cabinet Member for Resources

Our Social Work Teams are currently amongst the best in London. In December 2012, there were 611 posts in AHWB of which 63 (10.3%) were vacant. In CSF there were 2,672 posts of which 173 (6.5%) were vacant.

There are currently 9 Social Worker vacancies in AHWB and 30 in CSF, these represent 15.3% and 18.0% respectively of all the current vacancies in these Directorates.

In AHWB, there are a total of 137 Qualified Social Worker posts. The 9 that are vacant represent 6.6%. In CSF, there are 269 Qualified Social Worker posts. The 30 that are vacant represent 11.2% of these posts.

As you will be aware, recruitment to these posts can take longer than for posts in some other Directorates and support functions due to the need to ensure CRB and other checks are completed before a successful applicant starts work with the Council. Information on each month can be supplied to you in writing if required.

8.16 Question from Councillor Fozol Miah

Due to the current economical slow down many small businesses are struggling to survive. Many are finding it hard to pay their business rates. What is the Mayor doing to help these businesses?

Written response by Councillor Alibor Choudhury, Cabinet Member for Resources

There are a number of things the Council is doing to help small businesses. For small businesses having a rateable value of less than £12,000 the Council promotes the Small Business Rate Relief scheme available to small businesses that occupy only one business property:-

- By sending a letter and application form to each ratepayer that has been identified as a potential claimant; and
- By sending a Council Rating Inspector to make personal visits to all those properties that were not claiming the Small Business Rate Relief so that the benefits of the scheme could be explained in person and the ratepayer could be given assistance in completing the application

This has dramatically increased the amount of relief that we have awarded year on year from £1.5m in 2009 to £2.5 in 2010, £4m in 2011 and £4.7m in 2012.

The council also operates a reduction or remission of businesses rates for those suffering from financial hardship which is useful as a short term one off relief under the Local Government Finance Act 1988.

A Business Rates Seminar was held in March 2012 for local ratepayers to help them exercise their right to appeal to lower the rating valuation of their premises.

The Mayor is also doing all he can to boost investment in the borough, grow the local economy as well as ensuring that local businesses can tender for Council contracts.

8.17 Question from Councillor Marc Francis

Does the Mayor intend to change the council's homelessness policy to allow officers to cease the statutory duty to homeless families and vulnerable single people through the offer of a tenancy in the private rented sector?

Written response by Councillor Rabina Khan, Cabinet Member for Housing

Thank you for your question. This is why we have included a £1m preventing homelessness fund and ringfenced £1m of reserves, in our budget proposals.

As you know, the Government has made dramatic and draconian changes in the laws around homelessness and also to welfare provision. We know that the cuts in welfare are going to increase homelessness in Tower Hamlets and across London, and this is something I and the Mayor are deeply concerned by.

We are absolutely committed to finding suitable housing for all our homeless families and vulnerable single people. However, welfare reforms will not only create more homelessness, but will also make it more difficult to house homeless families. We cannot house residents in homes they cannot afford.

We are investigating all possible options but with our foremost concern ensuring that we work with vulnerable households to find housing options that work for them, and that the housing options team and all other council services working with them, support them through these changes.

8.18 Question from Councillor David Snowden

What steps is the Mayor taking to fix the potholes on the roads of the Isle of Dogs?

Written response by Councillor Shahed Ali, Cabinet Member for Environment

We have invested £1 million this year in a major resurfacing programme to cut down on pot holes and improve the long term maintenance of our key road network asset. A further £1 million per year has been allocated over the next two years for this function.

The entire road network is inspected by council officers to identify defects with remedial action being taken. We also inspect defects that are reported by members of the public and take appropriate action. Any road defects should be reported to the Council's contact centre. TfL roads are the responsibility of TfL, whilst estate roads are the responsibility of respective managing agents.

8.19 Question from Councillor Amy Whitelock

What assessment has the Mayor / Lead Member made of the impact that the Government's 28% cut to the Early Intervention Grant will have on children's services in the borough?

Written response by Councillor Oliur Rahman, Cabinet Member for Children's Services

The Mayor has written to Michael Gove, Education Secretary, protesting at these cuts.

The Mayor and I immediately realised the implications of the government's decision to transfer funding from the Early Intervention Grant to Dedicated Schools Grant. This was another example of a completely ill thought out policy announcement by the coalition government. To pretend that providing nursery care for 2 yr olds was going to be funded by new money was bad enough, but then to actually fund it by taking money away from existing services to young people was utterly despicable.

We realised that this would result in a £4.9m budget pressure that would affect the funding for some of our key services for young people, including children centres and our connexions service. Our commitment to these services meant that we absorbed this cut into the medium term financial plan and ensured that funding was made available to ensure these services are able to continue.

8.20 Question from Councillor Kabir Ahmed

We were extremely concerned to hear about the recent stabbing incidents at Wapping. Can the lead member inform us what has been done to reassure local residents in that area?

Written response by Councillor Ohid Ahmed, Deputy Mayor

Public safety is a priority for the Mayor, for this administration and for me. We were all deeply shocked of the news that two women were stabbed in Wapping. As I am sure you are aware, a man has been arrested and charged with attempted murder and is on remand awaiting trial.

My best wishes go out for the speedy recovery of the two women. Fortunately this type of serious assault is very rare in Wapping. However, it is because of

these shocking incidents that I and other councillors including the ward member Cllr Haque attended the public meeting on 8th January along with senior officers from the Council, the Police and Tower Hamlets Homes to listen to residents' concerns.

A wide range of issues were discussed during the packed meeting and it was agreed that a CCTV camera would be installed within 2 days, signs would be erected to advise them that CCTV monitoring was in operation. This has been done.

Prior to the meeting officers had visited the location to assess lighting requirements for the area and had identified that some repairs were necessary and these would be dealt with immediately. In addition, Tower Hamlets were reviewing the condition and position of their lights that were adjacent to the wooded area.

Officers also undertook to meet with a local business to encourage them to turn on some lamp standards that were not operating and to cut back foliage on their property. The Council have also cut back and reduced the amount of foliage around the park.

Council services are also liaising with the police and are planning a night-time walkabout with residents to look at any additional improvements. All partners have ensured that additional reassurance patrols have taken place in the area and this includes THEOs, safer neighbourhood teams and the police partnership team funded by the local authority.

Members of the public are also encouraged to attend the local ward police panel meetings, the next one will be at St. George's Town Hall on Wednesday 6th February (6pm). All are welcome.

8.21 Question from Councillor Anwar Khan

What steps has the Mayor taken to assess the economic, employment and regeneration impact of the 2012 Olympics and Paralympics on Tower Hamlets?

Written response by Councillor Rania Khan, Cabinet Member for Culture

The Council is reviewing the work that has taken place in the run up to the games and the extensive achievements that have been realised through the games period.

Legacy Communities Scheme development - Between 2005-2012 Tower Hamlets planners worked closely with the Olympic Development Authority and LOCOG to maximise the benefits of the Games for Tower Hamlets residents through close involvement on all strategic planning applications and Legacy masterplanning relating to the Olympic Park.

Our involvement has helped the Borough successfully secure the following as part of the legacy applications which will be delivered over the next 5 to 10 years:

- 650 new homes (47% affordable housing and 47% family dwellings);
- A new 1 hectare linear canal side park;
- 2 new footbridges connecting the western edge of the Park to Fish Island and Bow;
- Land for a new primary and/or secondary school;
- Approx 8,000 sqm of Community space; and
- Approx 1,000 sqm of employment space.

In order to capture the regeneration opportunities in the immediate surrounding area, the Council adopted an Area Action Plan for Fish Island which provides a clear planning framework until 2025. This will secure new infrastructure – including a new primary school, local park and improved connections to the Olympic Park - and will enable the delivery of around 3,000 new homes in the area together with 3,500 new jobs.

Since 2010, officers have also been working closely with the Greater London Authority and the Olympic Host Boroughs in jointly drafting their Olympic Legacy Planning Guidance (OLSPG) which sets out the planning policy framework to 2030 for the Legacy area which in Tower Hamlets cover Fish Island and Bromley by Bow (both east of the A12).

The OLSPG envisages that around 32,000 new homes and 1.35 million square metres of new commercial floorspace and 100 hectares of open space will be delivered across the entire legacy area in that time period. The Vision includes making it one of the best places to live and work in London by creating new family housing, employment opportunities and schools in the setting of the new Quay and leisure facilities for borough residents. The vision is underpinned by the principle of socio-economic convergence which means raising the standard of living for all East Londoners in line with the London average by 2030.

Transport infrastructure - In the lead up to the Olympic and Paralympic Games in summer 2012, Transport for London (TfL) invested in a number of key public transport schemes that will leave a lasting legacy for Tower Hamlets, East London and beyond, including providing better connectivity and ease of access. This is of key importance for local residents to engage with training and jobs opportunities and promote the area as a destination for future inward investment.

These schemes include:

- the creation of the £1.5bn London Overground 'circle' network making it possible to travel around London, incorporating the upgraded East London line, with air conditioned trains and a new station at Shoreditch High Street in the borough
- the 3-car upgrade of the DLR network increasing passenger capacity by 50%, including new links to Woolwich and Stratford International
- the extension of the TfL Cycle Hire Scheme across the borough

- the introduction and / or extension of local bus services to better serve the Olympic Park area for borough residents
- Future TfL public transport investment schemes that will benefit Tower Hamlets, East London and beyond include:
- the £15bn Crossrail 1, including new stations at Whitechapel and Canary Wharf in the borough
- double-tracking of the DLR between Bow Church and Stratford to improve service frequencies

ICT infrastructure and Tech City - The Olympics and Paralympics themselves required the development of a modern technological infrastructure from scratch on the Olympic Park with the involvement of global ICT businesses. This has in turn given credibility to plans under iCity for a continuing ICT enterprise hub at the former press and broadcast centre for the Games.

This is only one element in the opportunity to create new Tech City enterprises in area in the north east of Tower Hamlets, to add to similar developments in the City Fringe. In September 2012 it was announced that London had succeeded in a bid under the Government's Super-Connected Cities Programme. The Council's enterprise team have been working with the LGA to ensure Tower Hamlets are central to any investment into superfast broadband development for the area. Affordable superfast fibre broadband connectivity will be provided all SMEs and residents in Tech City, which includes the northern half of Tower Hamlets, and wireless superfast facilities developed along the Docklands Light Railway, from east to west (London City Airport to Tower Gateway) and from north to south (Stratford to Canary Wharf).

Jobs and experience opportunities - Tower Hamlets formed an intrinsic part of the Games Host borough unit employment programme which assisted 1,600 local residents gets jobs during the construction phase of the Olympic Park. The Mayors pledge that the Games would provide job opportunities to 1000 local people was well exceeded and LOCOG statistics have recorded 3,438 local Tower Hamlets residents working as part of the games. Across the 56 days of delivery of the Olympic and Paralympic Games this can be estimated as around £13 million in wages paid to local residents during the period. This financial investment is aside from the extensive volunteering programme, work experience and accreditation it provided for local people to have as an achievement on their CV's when looking for future work. The council's employment brokerage service Skillsmatch are working with games times workers to access follow on jobs and are working with Jobcentre Plus to identify employer recruitments which will capitalise on their experiences.

Host Borough work - Tower Hamlets remain part of the partnership which delivered the Games and the Host borough group has transformed into the Growth Borough Partnership capitalising on the legacy opportunities from the Games. This includes the extensive construction works associated with the park transformation and rebuild over the next 20 years which will bring new housing and employment opportunities.

As with the original proposal in Singapore to host the games in London, Central Government and GLA policy commitments are in place to continue to exploit and maximise the Legacy of the Games specifically to continue the regeneration of East London. The investments have and will continue to promote East London and Tower Hamlets as destination areas for future inward investment and the Council will continue to drive forward aspirations on the convergence agenda.

8.22 Question from Councillor Craig Aston

In view of the interest by the Mayor in the career of George Lansbury, is the Mayor aware that when George Lansbury was inaugurated as Mayor of Poplar in both 1919 and 1937 the ceremony took place at Poplar Town Hall, Poplar High Street, which was also the venue for the meeting in which Poplar Council resolved not to levy the LCC and Metropolitan Police precepts, which resulted in the Local Authorities (Equalization) Act of 1921.

Therefore, would the Mayor explain to the public why he authorised the sale of this historic building at a low price to purchasers with close connections to him and his administration?

Written response by Councillor Alibor Choudhury, Cabinet Member for Resources

The property was sold to one of the highest bidders. The value secured exceeded the estimate provided by an external independent valuer. Any suggestion that it was sold to the lowest bidder is wide of the mark. There are no close/unlawful or illegal connections.

8.23 Question from Councillor John Pierce

What targets has the Council set to reduce air pollution in Tower Hamlets in this EU year of clean air?

Written response by Councillor Shahed Ali, Cabinet Member for Environment

Tower Hamlets is declared an Air Quality Management Area under the UK Air Quality Strategy as required by the Environment Act 1995. Air in the Borough exceeds the national air quality objectives for two pollutants:-

- Firstly, Nitrogen Dioxide, for which the target is to achieve a maximum of 40 micro-grams per meter cubed over one year; and 200 micro-grams per meter cubed over a one hour period.
- Secondly, Particulate Matter (PM10), for which the target is to achieve a maximum of 40 micro-grams per meter cubed over one year; and 50 micro-grams per meter cubed daily.

In response to this, the Council has produced an Air Quality Action Plan which contains a suite of measures including:-

- Reducing emissions from transport sources of pollution
- Reducing emissions from domestic sources of pollution
- Providing a Health Information service to residents (called airTEXT)
- Promoting sustainable travel, and education and awareness on air pollution and green-house gases; and
- Working towards understanding the impacts of air pollution on residents' health and well-being.

We are currently updating our Air Quality Action Plan which will be submitted to the Mayor of London and the Department of Environment Food and Rural Affairs (DEFRA) as part of our statutory obligations. We also report annually to DEFRA on our progress on each action item within our action plan.

For the designated European Year of Air 2013, we are arranging education and awareness events across the borough. Our work will be featured in environmental publications in collaboration with the Institution of Environmental Sciences with whom we will be working.

8.24 Question from Councillor Aminur Khan

According to article 5 of the Council's constitution, the Speaker of the Council should exercise impartiality in presiding over Council meetings. In his failure to allow due debate on several items in recent months, the Speaker of the Council has failed in this. Can the Council ensure that the Speaker abides by the constitution and not a party line?

Written response by Councillor Ohid Ahmed, Deputy Mayor

The Constitution states that the Speaker of the Council has a number of responsibilities, roles and functions. In relation to chairing the Council meeting, these are:-

1. to uphold and promote the purposes of the Constitution and having sought appropriate officer advice, to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet can hold the Mayor and Cabinet Members to account in public;
4. to promote public involvement in the Council's activities; and
5. to be the conscience of the Council;

Although remaining a Councillor during his/her year of office, by tradition the Speaker remains somewhat distant from party politics and in conducting Civic duties, undertakes these on a non-party basis and on behalf of the whole

Council.

As set out above, the Speaker should ensure that the Council meeting is a forum for debate, and will attempt to ensure that all sides are able to have their say on matters that are discussed. In relation to any 'move to the vote' or similar procedural motion to close a debate, the constitution provides that the Speaker will allow this 'if in his/her opinion the item has been sufficiently discussed'.

8.25 Question from Councillor Gloria Thienel

What advice did the Mayor receive in regards to the ownership of the Henry Moore sculpture 'The Draped Seated Woman' prior to his aborted attempt to sell it?

Written response by Councillor Rania Khan, Cabinet Member for Culture

The Mayor received the advice set out in the Cabinet Report of 7th November 2012. This advice included the creation, history and ownership of the sculpture, and specialist advice from leading Counsel on the ownership.

The sale is not aborted, merely delayed due to poor weather conditions at the Yorkshire Sculpture Park.

8.26 Question from Councillor Maium Miah

We were pleased to hear the Mayor announce that a new youth centre will be built at Dame Colet House at the site of the old Haileybury youth centre. When can residents expect to see this youth centre open?

Councillor Oliur Rahman, Cabinet Member for Children's Services

It is anticipated that the Youth Centre will be available from Spring 2015 though we are working with the successful bidder to compress this program if possible.

8.27 Question from Councillor Lutfa Begum

Can the Mayor update this meeting on the steps this Council is taking to prevent violence against women?

Written response by Councillor Ohid Ahmed, Deputy Mayor

Thank you for your question. In light of the tragic events in Delhi, the importance of undertaking this work has been highlighted globally.

However this is work we have always felt was of crucial importance and I am deeply proud of the excellent work undertaken in this borough.

Last year I was delighted to attend the launch of a new campaign at the Jagonari Centre, just one of the many key projects in the borough.

In the Council, we have just published our first Violence Against Women and Girls (VAWG) Plan. This is a partnership plan, developed working with all the services that support women in the borough. This is a three year plan and we have recently recruited a new dedicated officer who is working on this.

The Council already undertakes the following actions:

- Providing training to all agencies working with victims of VAWG, including police, social workers, voluntary agencies, health and all other frontline workers.
- Commission a range of services including: refuges, independent domestic violence advisors (IDVAs), independent sexual violence advisors (ISVAs), a 'one stop shop' run in the Jagonari centre and we provide two drop in centres within housing and health.
- We provide a helpline for victims to directly access support which is run by the Domestic Violence team in the Council. We also run a domestic violence forum and a multi-agency risk assessment conference (MARAC) for high risk victims.
- We are currently developing our Independent Domestic Violence Advice service and have increased provision by 2 additional Caseworkers.

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE COUNCIL (BUDGET MEETING)

HELD AT 7.30 P.M. ON WEDNESDAY, 27 FEBRUARY 2013

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

Members Present:

Councillor Rajib Ahmed (Chair)	
Mayor Lutfur Rahman	Councillor Dr. Emma Jones
Councillor Helal Abbas	Councillor Anwar Khan
Councillor Kabir Ahmed	Councillor Aminur Khan
Councillor Khaled Uddin Ahmed	Councillor Rabina Khan
Councillor Ohid Ahmed	Councillor Rania Khan
Councillor Rofique U Ahmed	Councillor Shiria Khatun
Councillor Shahed Ali	Councillor Harun Miah
Councillor Tim Archer	Councillor Md. Maium Miah
Councillor Abdul Asad	Councillor Fozol Miah
Councillor Craig Aston	Councillor M. A. Mukit MBE
Councillor Lutfu Begum	Councillor Ahmed Adam Omer
Councillor Mizan Chaudhury	Councillor Lesley Pavitt
Councillor Alibor Choudhury	Councillor Joshua Peck
Councillor Zara Davis	Councillor John Pierce
Councillor Stephanie Eaton	Councillor Zenith Rahman
Councillor David Edgar	Councillor Oliur Rahman
Councillor Marc Francis	Councillor Gulam Robbani
Councillor Judith Gardiner	Councillor Rachael Saunders
Councillor Carlo Gibbs	Councillor David Snowdon
Councillor Peter Golds	Councillor Gloria Thienel
Councillor Shafiqul Haque	Councillor Bill Turner
Councillor Carli Harper-Penman	Councillor Helal Uddin
Councillor Sirajul Islam	Councillor Kosru Uddin
Councillor Ann Jackson	Councillor Motin Uz-Zaman
Councillor Denise Jones	Councillor Amy Whitelock

The meeting commenced at 7.36 p.m.

Councillor Rajib Ahmed, Speaker of the Council, in the Chair

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Abdal Ullah.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of Disclosable Pecuniary Interests were made.

3. TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE SPEAKER OF THE COUNCIL OR THE HEAD OF PAID SERVICE

There were no announcements.

4. TO RECEIVE ANY PETITIONS**4.1 Petition regarding the Council's finances after 2014**

Afazalur Rahman addressed the meeting on behalf of the petitioners and responded to questions from Members.

Councillor Alibor Choudhury, Cabinet Member for Resources, then responded to the petition. He highlighted that the balanced budget for 2013/14 created headroom for some one-off spending and that this was an achievement given the scale of the cuts imposed on the Council. He stated that no borough had yet developed a balanced budget for 2015/16. The Council was developing its plans and would not be pushed into making hasty cuts.

RESOLVED

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

4.2 Petition regarding the Mayor's Office costs

Di Roome addressed the meeting on behalf of the petitions and responded to questions from Members.

Councillor Alibor Choudhury, Cabinet Member for Resources, then responded to the petition. He stated that the sums involved were small compared to the Council's overall budget and that the cost of the Mayor's office was comparable to other similar London Boroughs; and highlighted the achievements of the administration in the face of resource reductions.

RESOLVED

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

5. BUDGET AND COUNCIL TAX 2013/14

Mayor Lutfur Rahman introduced, and Councillor Alibor Choudhury moved, the budget proposals of the Mayor and Executive as set out in the agenda pack. Councillor Ohid Ahmed seconded the proposals.

Four amendments were tabled and moved as follows:

- (i) Amendment proposed by Councillor Carlo Gibbs and seconded by Councillor Joshua Peck (as attached at Appendix A to these minutes);
- (ii) Amendment proposed by Councillor David Snowdon and seconded by Councillor Zara Davis (attached at Appendix B);
- (iii) Amendment proposed by Councillor Oliur Rahman and seconded by Councillor Shafiqul Haque (attached at Appendix C);
- (iv) Amendment proposed by Councillor Rania Khan and seconded by Councillor Abdul Asad (attached at Appendix D).

The Mayor amended his budget proposals by accepting in full the amendments proposed by Councillors Oliur Rahman and Rania Khan.

Following the debate the Speaker adjourned the meeting at 22:08 to allow officers to consider the effect of the two accepted amendments on the remaining amendments. The meeting reconvened at 22:17.

Councillor Carlo Gibbs and Councillor Joshua Peck altered their amendment to include an additional bullet point:

- To delete the figure of '£150k' in the amendment moved by Councillor Rania Khan for "events" and replace this with '£39k'.

Following further debate the amendment proposed by Councillor Carlo Gibbs was put to the vote and was **agreed**.

The amendment proposed by Councillor David Snowdon was then put to the vote and was **defeated**.

The Speaker then adjourned the meeting at 22:43 to allow for further officer advice. The meeting reconvened at 22:50.

The substantive budget proposals as amended were then put to the vote and were **agreed**.

RESOLVED

This Council notes:

- That between the Chancellor's Emergency Budget in 2010 and 2017/18, the Council's General Fund budget will have been cut by 50%;
- The Council's Medium Term Financial Plan is showing a black hole of £39m in 2015/16, £24m of which is unfunded, and a deficit of at least £55m is anticipated in 2016/17;

- By 2015/16, Council reserves will be brought down to their lowest advisable level of £20m;
- Many of the Mayor's biggest spending commitments– including Free School Meals, THEOs, additional cleaning, Faith Buildings Fund, Educational Award and Council Tax Benefit – are only funded up to the election;
- Continuing these services after their current funding ceases would increase the council's black hole by over £6m each year;
- In order to fund additional spending, the Mayor has initiated further frontline cuts, including a 5% reduction of the staffing budgets in Adults Health and Wellbeing and Children Schools and Families directorates, placing further pressure on frontline staff;
- Closing this black hole would require the equivalent of a £600 per household Council Tax increase or cutting in half the services provided to the elderly and disabled in the Borough;
- The Labour Group has been asking the Mayor for over a year to explain how he plans to close this financial black hole over which he has presided.

This Council believes:

- It is the duty of the Council to manage its finances efficiently, delivering a balanced budget to ensure long term stability of services for residents;
- In facing these cuts the residents of this borough deserve openness and honesty about how those elected to represent them will deal with this issue;
- The Mayor has lost control of the Council's finances and has no proposals - such as an invest to save strategy, star chamber programme or review of service - to deal with this black hole;
- Plans to tackle the deficit will take time to bring online and, in order to be delivered in 2015, will have to be agreed by council a long time before then;
- The Mayor is failing to show leadership in the face of the Government's cuts by ignoring the Council's precarious financial state until after the next election.

This Council further believes:

- It is wrong for the Mayor to continue spending significant amounts of public money on self-publicity such as East End Life, political mailings to residents, banners with his face on and other communication spending;
- It is wrong for the Mayor to increased spending on his office by 65% to £700,000, including £296k for advisors, when cuts to frontline staffing budgets elsewhere in the organisation are taking place. Particularly as he has a Cabinet that is supposed to advise him on these issues;
- It is wrong that the Mayor continues to hire a Mercedes and driver at significant cost to the Council;

This council therefore resolves:

1. To adopt the budget motion as set out in the agenda for the meeting subject to the amendments accepted by the Mayor as attached at Appendices C and D and further amended as follows:-
2. To delete funding of £1.214m from the budget used to fund East End Life, delivering a saving of £433k by:
 - Reducing funding available for public notices from £267,000 to £100,000, sufficient to support the provision of statutory advertising in local newspapers, tendering a long term contract in order to secure the best rates;
 - Reducing the funding of £176,000 for the advertising of choice based lettings to £50,000, sufficient to fund a provision that can be made available on a weekly basis in each housing office, leisure centre and one-stop shop in the borough, as well as online, to be managed by the lettings team;
 - To cut departmental budgets by £143,000, to reduce their general advertising spend allocated in previous years to East End Life;
3. To delete the funding of £296k for Mayor's Advisors;
4. Not allocate the £1.8m of unallocated funds set out in Section 3 of Cabinet Report Wednesday 13th February to any other provision;
5. Use the £200,000 of available capital spending to free up £200,000 of previously capitalised revenue funding that will be ring fenced as a contingency fund to support the deletion of the budget used for East End Life.

6. To ring fence the savings and unallocated funds resulting from the above and set out in the below table, into a ring-fenced reserve to support a reduction in the council's black hole in 2015/16;
7. To place a general restriction on the council that all virements outside of the agreed budget framework above £200,000 must be agreed by full council (* see note below)

Saving	2013/14	2014/15	Total saving
Unallocated Funding	£1.8m		£1.8m
Saving from statutory advertising	£167k	£167k	£334k
Saving from Choice Based Lettings advertising	£126k	£126k	£252k
Reduce departmental budgets (advertising spend)	£143k	£143k	£286k
Reallocation of Capital Funding	0	0	0
Mayor's Advisors	£296k	£296k	£592k
Total	£2.532m	£732k	£3.264m

8. To delete the figure of '£150k' in the amendment moved by Councillor Rania Khan for "events" and replace this with '£39k'.

[* Note: Proposal to impose a limit of £200,000 above which virements must be agreed by Full Council – Officers advise that this matter cannot be considered at Budget Council as procedures and regulations make it clear that Budget Council is for financial matters not constitutional matters. The Constitution requires that constitutional changes are referred to General Purposes Committee with full officer comments in order that all parties can be consulted. It would then be referred back to Full Council at a later date.]

Outcome of meeting

The Service Head, Democratic Services advised the meeting that as the Council had agreed budget proposals that were different from the Mayor's proposals, the statutory dispute resolution process would come into operation. The Council was required to inform the Mayor of its objections to his budget proposals and set a period of at least five working days, commencing on the day after the day on which the Mayor is notified of the objections, within which the Mayor should reconsider his proposals in the light of those objections and resubmit them for consideration at a second Budget Council Meeting.

The Service Head informed Members that the second Budget Council Meeting would be held on Thursday 7th March 2013 at 7.30 p.m.

RESOLVED

That the Mayor and Executive be informed of the Council's objections to their budget proposals as set out in the decision above; be requested to reconsider their proposals in the light of those objections; and submit revised proposals in accordance with the Budget and Policy Framework Procedure Rules for consideration at a further Budget Council Meeting to be held on 7th March 2013.

The meeting ended at 10.53 p.m.

Councillor Rajib Ahmed
Speaker of the Council

Labour Group Budget Amendment

Proposed: Cllr Carlo Gibbs

Seconded: Cllr Joshua Peck

This council notes:

- That between the Chancellor's Emergency Budget in 2010 and 2017/18, the Council's General Fund budget will have been cut by 50%;
- The Council's Medium Term Financial Plan is showing a black hole of £39m in 2015/16, £24m of which is unfunded, and a deficit of at least £55m is anticipated in 2016/17;
- By 2015/16, Council reserves will be brought down to their lowest advisable level of £20m;
- Many of the Mayor's biggest spending commitments – including Free School Meals, THEOs, additional cleaning, Faith Buildings Fund, Educational Award and Council Tax Benefit – are only funded up to the election;
- Continuing these services after their current funding ceases would increase the council's black hole by over £6m each year;
- In order to fund additional spending, the Mayor has initiated further frontline cuts, including a 5% reduction of the staffing budgets in Adults Health and Wellbeing and Children Schools and Families directorates, placing further pressure on frontline staff;
- Closing this black hole would require the equivalent of a £600 per household Council Tax increase or cutting in half the services provided to the elderly and disabled in the Borough;
- The Labour Group has been asking the Mayor for over a year to explain how he plans to close this financial black hole over which he has presided.

This council believes:

- It is the duty of the council to manage its finances efficiently, delivering a balanced budget to ensure long term stability of services for residents;
- In facing these cuts the residents of this borough deserve openness and honesty about how those elected to represent them will deal with this issue;
- The Mayor has lost control of the Council's finances and has no proposals - such as an invest to save strategy, star chamber programme or review of service - to deal with this black hole;
- Plans to tackle the deficit will take time to bring online and, in order to be delivered in 2015, will have to be agreed by council a long time before then;
- The Mayor is failing to show leadership in the face of the Government's cuts by ignoring the council's precarious financial state until after the next election.

This council further believes:

- It is wrong for the Mayor to continue spending significant amounts of public money on self-publicity such as East End Life, political mailings to residents, banners with his face on and other communication spending;
- It is wrong for the Mayor to increase spending on his office by 65% to £700,000, including £296k for advisors, when cuts to frontline staffing budgets elsewhere in the organisation are taking place. Particularly as he has a Cabinet that is supposed to advise him on these issues;
- It is wrong that the Mayor continues to hire a Mercedes and driver at significant cost to the council;

This council therefore resolves:

To amend the Mayor's budget:

- To delete funding of £1.214m from the budget used to fund East End Life, delivering a saving of £433k by:
 - Reducing funding available for public notices from £267,000 to £100,000, sufficient to support the provision of statutory advertising in local newspapers, tendering a long term contract in order to secure the best rates;
 - Reducing the funding of £176,000 for the advertising of choice based lettings to £50,000, sufficient to fund a provision that can be made available on a weekly basis in each housing office, leisure centre and one-stop shop in the borough, as well as online, to be managed by the lettings team;
 - To cut departmental budgets by £143,000, to reduce their general advertising spend allocated in previous years to East End Life;
- To delete the funding of £296k for Mayor's Advisors;
- Not allocate the £1.8m of unallocated funds set out in Section 3 of Cabinet Report Wednesday 13th February to any other provision;
- Use the £200,000 of available capital spending to free up £200,000 of previously capitalised revenue funding that will be ring fenced as a contingency fund to support the deletion of the budget used for East End Life.
- To ring fence the savings and unallocated funds resulting from the above and set out in the below table, into a ring-fenced reserve to support a reduction in the council's black hole in 2015/16;
- To place a general restriction on the council that all virements outside of the agreed budget framework above £200,000 must be agreed by full council.

Saving	2013/14	2014/15	Total saving
Unallocated Funding	£1.8m		£1.8m
Saving from statutory advertising	£167k	£167k	£334k
Saving from Choice Based Lettings advertising	£126k	£126k	£252k
Reduce departmental budgets (advertising spend)	£143k	£143k	£286k
Reallocation of Capital Funding	0	0	0
Mayor's Advisors	£296k	£296k	£592k
Total	£2.532m	£732k	£3.264m

Conservative Budget Amendment 2013/14

Proposed By: Cllr David Snowdon

Seconded By: Cllr Zara Davis

This Council Believes That:

1. That the Mayor's plans to increase spending on his private office from £401,000 to £701,000 are wrong. Maintaining the office budget at last year's level will allow for greater spending on front-line services
2. Eliminating the Mayor's hated stealth tax, the bulk waste collection charge, will lead to a cleaner borough, reduce clean-up costs to the council and help hard working local families
3. The abolition of THEOs would allow the Council to fund more local police on the streets, while other savings would allow the restoration of a full out of hours noise service
4. Tower Hamlets Council should not be providing refreshments for Councillors, and that this funding should be re-invested in local services
5. Local residents are opposed to the commercialisation of our parks and open spaces, and would welcome the elimination of all targets to raise income from them.
6. Libraries are an important element of Lifelong Learning, and making draconian cuts to the book fund will result in residents of the Borough receiving poorer library provision.
7. Contracting an outside company to water pot plants in Tower Hamlets building is an outrageous waste of public money.
8. Tower Hamlets Council is not doing enough to protect and promote our rich local heritage, which can be a driver of growth for local businesses
9. Local residents would have greater opportunities if more provision was available for English language classes (ESOL). This should be financed by eliminating spending on non-statutory translation
10. The government is soon to legislate for the abolition of East End Life. Acting now to close down this "newspaper" would be in the best interests of local residents.
11. A 1% Council Tax rebate will follow the lead of the Mayor of London in cutting the cost of government in London, and support hard working local families

This Council calls upon the Executive to:

1. Increase income as follows:

Description	2013/14	Notes
Events In Parks	£10,000	Generate £10,000 through private sector sponsorship of Council organised events (e.g. fireworks)
Increase Per Year	£10,000	

2. Reduce income as follows:

Description	2013/14	Notes
Commercial, corporate and private events in parks	£290,000	Remove target to generate £290k through commercial, corporate and private events in parks
Bulk waste charges	£60,000	End bulk waste charges
Reduction Per Year	£350,000	

3. Implement the following increase in spending

Description	2013/14	Notes
Police Officers	+£1,108,000	Increase funding for police officers through established Metropolitan police scheme to use funding stream created by abolition of THEOs and balancing item.
1% Council Tax Rebate	+£633,000	Provide a rebate equivalent to a 1% council tax cut to all households paying council tax
Library Book Fund	+£200,000	Reverse cuts to the Library Books fund
ESOL classes	+£152,000	Fund ESOL classes in order to further "One Tower Hamlets agenda"
Pot Hole Repair	+£120,000	Create a pothole team to visit every road in borough each year and undertake necessary repairs
Out of House Noise Nuisance Service	+£100,000	Create a new 7 days a week noise nuisance service, to reverse cuts implemented in previous years by Mayor
Docklands History Boards	+£50,000	Replace Docklands History boards located across Isle of Dogs and Limehouse Basin which were installed by LDDC and are now in a poor state of repair
Streaming of Council Meetings	+£25,000	Stream council meetings over the internet.
TfL Travel Card For Mayor	+£1,424	Provide Mayor with a zones 1-3 TfL Travel Card so that he can travel to meetings like most Londoners do: via London Transport. Allows abolition of Mayor's car, driver and means taxis will not be necessary.
Spending Per Year	£2,389,424	

4. Implement the following cuts to Council spending

Description	Savings in 2013/14	Notes
Existing THEO posts	£850,000	Delete all existing THEO posts, in order to fund more real police officers
Faith Buildings	£1,000,000	Delete proposed increase in faith buildings

		programme
Proposed 10 THEO posts	£500,000	Delete proposed THEO posts, in order to fund more real police officers
East End Life	£346,024	Abolish East End Life and instead, provide housing choices information on the Tower Hamlets website and in all One Stop Shop & RSL offices. Remove general marketing & adverts budgets, cut 10% of budget for public notices based on better design of adverts
Mayor's Executive Office	£300,000	Reverse planned increase in spending on Mayor's office. Budget reduced from £701k to £401k
Trade Union Facilities Agreement	£290,000	Review and remove full-time trade union posts
Translation of Documents	£152,000	Stop non-statutory translation of documents into foreign languages in order to promote our One Tower Hamlets objective and follow DCLG best-practice. Money to be spent on ESOL training.
Estate Agents	£75,052	Reduce discretionary bounties paid to estate agents for finding properties by 15%
Mayoral car	£49,500	Abolish the Mayoral car and delete post of full time driver. Provide Mayor with a zones 1-3 Travelcard, so that he will not need to take taxis.
Mayoral Policy Communications	£37,000	Stop Mayoral policy communications by top-slicing the budget of departments that spent £37k on Mayoral communications last year
"Media Monitoring"	£35,000	Stop media monitoring activities
Town Hall subscriptions	£27,150	End our subscription to the LGIU, Randalls Parliamentary Service, Plain English campaign and the Association for Public Service Excellence; submit notice to LGA to end subscription.
Watering of Pot Plants	£22,000	End budget for contractors to water pot plants; instead encourage staff to water the pot plants next to their desk in the Council Offices
External venues	£16,000	Stop hiring out external venues for internal Council meetings and away-days
Newspaper Subscriptions	£12,000	Cut Town Hall subscriptions
TV Advertising	£9,500	Top-slice the budget of departments that spent £9.5k on TV advertising last year
Refreshments at	£5,500	End refreshments at Council meetings

Town Hall meetings		
Taxis for Mayor, Speaker and Cllrs	£3,500	Remove the budget for taxis for the Mayor, Speaker and Councillors
Travel Allowance For Senior Council Execs	0	Stop offering this perk to newly employed Senior Council officers at £3,500 each
Savings per year	£3,730,226	

5. Create Ring-Fenced Reserve

Description	Increase in 2013/14	Notes
16-18 Education Ring Fenced Reserve	£1,000,000	Create a "Ring Fenced" Reserve for education spending within Tower Hamlets to improve attainment of 16-18 year olds

APPENDIX C**BUDGET COUNCIL MEETING – 27th FEBRUARY 2013****Independent Amendment**

Proposer: Cllr Oliur Rahman

Seconder: Cllr Shafiqul Haque

This Council Notes:

1. The report from the University and College Union that Bethnal Green and Bow constituency has the highest number of people without formal qualifications in the country.
2. The report from the Campaign to End Child Poverty that Tower Hamlets continues to have among the highest levels of child poverty in the county.
3. The progress made over the last decade in the borough to increase the numbers of people with formal qualifications and reduce levels of child poverty. The recent census information shows a decrease in the proportion of people without any formal qualifications from 35% in 2001 to 20% in 2011. The current figure of 42% of children living in poverty is a decline from 53% in 2009 and 60% 2006.

This Council Agrees:

1. Government cuts threaten to roll back these advances:
 - Instead of improving access to education for poorer communities, the government is restricting it. They have slashed the education maintenance allowance, increased tuition fees, and replaced financial support for adult learners with prohibitive loans.
 - Instead of lifting people out of poverty, government welfare reform threatens to place more families to poverty. The DWP have identified thousands of households in Tower Hamlets that will be affected by welfare reform, not just large families or the workless, these are families living on low incomes. The average reduction will be £101 a week. 37% will lose more than £100 a week. 30% will lose between £50-10 a week.

This Council Notes the following resource implications:

1. The Council currently has a healthy level of reserves, expected to be £32,897,000 in March this year.

This Council Believes:

1. That the requirement to maintain a healthy level of reserves to meet current and future risks must be balanced responsibly with the needs of Tower Hamlets residents and the opportunity to invest in the borough's future.

This Council Resolves:

1. To allocate the one-off funding in the following areas allocated from funding already set aside in the budget for third sector grants :

This Council Resolves:

1. To extend provision in the borough for those without formal qualifications and effected by welfare cuts by committing £65,000 to the establishment the new Unite Community Centre in St George's Town Hall.
2. This is a partnership between the council, Unite - Europe's largest trade union and Barclay's Bank.
3. The Unite Community Centre will offer:
 - Education courses, employment and welfare advice services and community events.
 - It will run three Skills for Life courses a week, and each will hold three sessions a week.
 - Over the course of the year it aims to have 300 learners take Skills for Life courses.
 - Based on this, and the provision of non-accredited ESOL, art and photography courses, and cultural events, the centre expects 50 unique visitors a week.

APPENDIX D

Budget Council Meeting – 27th February 2013**Independent Amendment**

Proposer: Cllr Rania Khan

Seconder: Cllr Abdul Asad

This Council notes the progressive budget proposals from Mayor Rahman and his administration, which will see:

1. A borough we can be proud of and which is environmentally friendly; including ten new THEOs, a potholes squad, new cycling infrastructure, a new Burial Ground, £1m further investment into our Faith Buildings and £800,000 on a borough wide deep clean.
2. Investment in our young people; continuing our MEA scheme, providing 400 Mayor's University Grants and free school meals for all children in reception and year one for the next two years.
3. Bringing investment into key areas of the borough; bringing improvements into and promoting Roman Road, Burdett Road, Brick Lane and Bethnal Green Market.
4. Keeping more money into residents' pockets; freezing council tax and fees and charges and maintaining council tax benefit and creating a £1m Preventing Homelessness Fund.

This Council notes the following in relation to the borough's rich heritage and culture:

1. Tower Hamlets has an exceptionally rich history which has been shaped by the different people who have lived and worked here; the movements that started here and have grown to be national and global forces for changes; our links to royalty; and our role as the economic powerhouse of London and the country.
2. Tower Hamlets is currently facing the fastest pace of change and development in the country. This development is creating jobs, new houses and a borough fit for the future.
3. In light of this new development, there is a commitment from both residents and the administration of the borough to ensure that the history and heritage of the borough is preserved and celebrated.
4. That Cultural Industries are one of the fastest growth areas in the borough, with currently over 30,000 jobs in cultural and creative industries in Tower Hamlets.
5. The Enterprise Strategy identified the importance of cultural industries for the borough's economic future.

This Council notes the following central government cuts to culture and heritage:

1. The Suspension of English Heritage's Blue Plaque scheme in January 2013, due cuts in government funding. The scheme is being wound

down, with only approved plaques being installed and no new suggestions from the public being taken.

2. The sustained funding reductions from central government sources towards arts and cultural activities, including the 30% reduction in funding to the Arts Council; the scrapping of the UK Film Council and Museums, Libraries and Archives Council; and the collective impact of reduced funding availability on the ability for cultural services to continue to run.

This Council notes the following in regards to the borough's disabled and elderly residents and the third sector:

1. Tower Hamlets has a larger number of residents receiving disability benefits and with limiting long term conditions than the national average.
2. Disabled residents are more likely to live in poverty and to suffer from social isolation.
3. Tower Hamlets has a young population, however 6.1% of the population are aged 65, of which we have the highest proportion of older residents living alone and an above average level of pensioner poverty.
4. The Council continues to provide a wide range of services to disabled and elderly residents and this administrations' commitment to free home care, makes Tower Hamlets the only council in the country to offer free home care.
5. Tower Hamlets has a thriving third sector, with between 2,000 and 3,000 organisations working in the borough. They provide a range of vital services, including delivery against our own Community Plan targets. The important role they play has been recognised by this administration who has increased investment in the Mainstream Grants to £8m.

This Council notes the following central government reforms:

1. The reduction in government support to older residents and disabled residents, including the change from RPI to CPI in pension uplift; the change in disability support from Disability Living Allowance onto Employment Support Allowance or Jobseekers Allowance and the transition from Disability Living Allowance to Personal Independence Payments, which will result in fewer residents receiving levels of support and those in receipt of benefits receiving less. This is in conjunction with rising food and energy bills which impact the hardest on those on fixed low incomes.
2. That the rhetoric of the Big Society which suggested an enhanced role for the third sector has been undermined by the funding cuts from central government have resulted in reduced ability for the third sector to provide services and have resulted in the third sector feeling marginalised and under-recognised.

This Council Notes the following resource implications:

1. The Council currently has a healthy level of reserves, expected to be £32,897,000 in March this year.

This Council Believes:

1. That the requirement to maintain a healthy level of reserves to meet current and future risks must be balanced responsibly with the needs of Tower Hamlets residents and the opportunity to invest in the borough's future.

This Council Resolves:

1. To allocate the one-off funding in the following areas allocated from funding available from additional savings identified during the budget process and set out in the budget papers :

In relation to celebrating our older and disabled residents and the excellent work of our third sector:

Allocate £150k for 3 events to celebrate the achievements and contributions made by older residents in Tower Hamlets, disabled residents in Tower Hamlets and the third sector.

- A Disability Day to further promote disabled residents' dignity and wellbeing, which will be a celebration of disabled residents as well as provide information about support services and welfare advice.
- An Older People's Day to celebrate the contributions older residents have made and continue to make in the borough as well as an opportunity to provide information about support services, activity and leisure opportunities.
- A Third Sector Celebration to promote the excellent work and achievements of our third sector.

In relation to celebrating our heritage and history

Allocate a one-off sum of £4,000 to create a Tower Hamlets People's History Plaque Scheme.

- This will ensure we are able to commemorate our unique history and heritage.

In relation to helping our young people into the creative industries

Allocate £125k to create 10 part time apprenticeships in local creative industries.

- This will enable young people in Tower Hamlets to gain valuable experience in the huge range of cultural industries in the borough.

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE COUNCIL (BUDGET MEETING)

HELD AT 7.30 P.M. ON THURSDAY, 7 MARCH 2013

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

Members Present:

Mayor Lutfur Rahman	Councillor Dr. Emma Jones
Councillor Helal Abbas	Councillor Rabina Khan
Councillor Kabir Ahmed	Councillor Aminur Khan
Councillor Khaled Uddin Ahmed	Councillor Anwar Khan
Councillor Ohid Ahmed	Councillor Rania Khan
Councillor Rajib Ahmed	Councillor Shiria Khatun
Councillor Rofique U Ahmed	Councillor Harun Miah
Councillor Shahed Ali	Councillor Md. Maium Miah
Councillor Tim Archer	Councillor Fozol Miah
Councillor Abdul Asad	Councillor M. A. Mukit MBE
Councillor Craig Aston	Councillor Ahmed Adam Omer
Councillor Lutfu Begum	Councillor Lesley Pavitt
Councillor Mizan Chaudhury	Councillor Joshua Peck
Councillor Alibor Choudhury	Councillor John Pierce
Councillor Zara Davis	Councillor Zenith Rahman
Councillor Stephanie Eaton	Councillor Oliur Rahman
Councillor David Edgar	Councillor Gulam Robbani
Councillor Marc Francis	Councillor Rachael Saunders
Councillor Judith Gardiner	Councillor David Snowdon
Councillor Carlo Gibbs	Councillor Gloria Thienel
Councillor Peter Golds	Councillor Bill Turner
Councillor Shafiqul Haque	Councillor Helal Uddin
Councillor Carli Harper-Penman	Councillor Kosru Uddin
Councillor Sirajul Islam	Councillor Abdal Ullah
Councillor Ann Jackson	Councillor Motin Uz-Zaman
Councillor Denise Jones	Councillor Amy Whitelock

The meeting commenced at 7.36 p.m.

Councillor Rajib Ahmed, Speaker of the Council, in the Chair

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of Disclosable Pecuniary Interests were made.

3. TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE SPEAKER OF THE COUNCIL OR THE HEAD OF PAID SERVICE

The Speaker announced that the Acting Corporate Director of Education, Social Care and Wellbeing, Isobel Cattermole, was to retire after 25 years' local government service. Councillors from all parties addressed the meeting to pay tributes to Mrs Cattermole's service and to wish her well in the future.

4. BUDGET AND COUNCIL TAX 2013/14

The Mayor's revised budget motion was tabled, including his comments on the budget amendment passed by the Council on 27th February 2013 and his own revised proposals for the Council's consideration.

A representative of the Unison trade union sought permission to address the meeting on the proposed budget amendments which he stated had implication for staff redundancies. The Service Head, Democratic Services advised that the deadline for petitions had passed and the Procedure Rules made no other specific provision for public or trade unions to address the meeting. There was a general provision under which the Chair of a meeting had discretion to allow participation by non-members but the Speaker indicated that he was not minded to exercise this discretion as there was no precedent for this at the Council meeting and he also understood that other persons had asked before the meeting to speak and had been told that they could not.

Mayor Lutfur Rahman introduced, and Councillor Alibor Choudhury **moved**, the revised budget proposals of the Mayor and Executive. Councillor Ohid Ahmed **seconded** the proposals. The Mayor stated that he and the Executive were unable to accept a number of the amendments proposed by Council on 27 February 2013, as set out with reasons in his tabled report.

Councillor Carlo Gibbs then **moved** the Council's amended budget proposals as agreed at the meeting on 27 February 2013. Councillor Joshua Peck **seconded** the proposals.

Following debate the amended budget proposal moved by Councillor Carlo Gibbs was put to the vote. The amended budget achieved the two thirds majority required by the regulations, with 34 Members voting in favour and 17 Members voting against, and was therefore **agreed**. Accordingly it was:-

RESOLVED

General Fund Revenue Budget and Council Tax Requirement 2013/14; and Treasury Management Strategy Statement, Annual Investment Strategy and Minimum Revenue Provision Policy Statement 2013-14.

This Council notes:

- That between the Chancellor's Emergency Budget in 2010 and 2017/18, the Council's General Fund budget will have been cut by 50%;
- The Council's Medium Term Financial Plan is showing a black hole of £39m in 2015/16, £24m of which is unfunded, and a deficit of at least £55m is anticipated in 2016/17;
- By 2015/16, Council reserves will be brought down to their lowest advisable level of £20m;
- Many of the Mayor's biggest spending commitments– including Free School Meals, THEOs, additional cleaning, Faith Buildings Fund, Educational Award and Council Tax Benefit – are only funded up to the election;
- Continuing these services after their current funding ceases would increase the council's black hole by over £6m each year;
- In order to fund additional spending, the Mayor has initiated further frontline cuts, including a 5% reduction of the staffing budgets in Adults Health and Wellbeing and Children Schools and Families directorates, placing further pressure on frontline staff;
- Closing this black hole would require the equivalent of a £600 per household Council Tax increase or cutting in half the services provided to the elderly and disabled in the Borough;
- The Labour Group has been asking the Mayor for over a year to explain how he plans to close this financial black hole over which he has presided.

This Council believes:

- It is the duty of the Council to manage its finances efficiently, delivering a balanced budget to ensure long term stability of services for residents;
- In facing these cuts the residents of this borough deserve openness and honesty about how those elected to represent them will deal with this issue;
- The Mayor has lost control of the Council's finances and has no proposals - such as an invest to save strategy, star chamber programme or review of service - to deal with this black hole;
- Plans to tackle the deficit will take time to bring online and, in order to be delivered in 2015, will have to be agreed by Council a long time before then;

- The Mayor is failing to show leadership in the face of the Government's cuts by ignoring the Council's precarious financial state until after the next election.

This Council further believes:

- It is wrong for the Mayor to continue spending significant amounts of public money on self-publicity such as East End Life, political mailings to residents, banners with his face on and other communication spending;
- It is wrong for the Mayor to increased spending on his office by 65% to £700,000, including £296k for advisors, when cuts to frontline staffing budgets elsewhere in the organisation are taking place. Particularly as he has a Cabinet that is supposed to advise him on these issues;
- It is wrong that the Mayor continues to hire a Mercedes and driver at significant cost to the Council;

This Council therefore RESOLVES:

1. To adopt the budget motion as set out in the agenda for the Budget Council Meeting on 27th February 2013 subject to the amendments accepted by the Mayor at the meeting (as attached at Appendix 1 to these minutes) and further amended as follows:-
 - To delete funding of £1.214m from the budget used to fund East End Life, delivering a saving of £433k by:
 - Reducing funding available for public notices from £267,000 to £100,000, sufficient to support the provision of statutory advertising in local newspapers, tendering a long term contract in order to secure the best rates;
 - Reducing the funding of £176,000 for the advertising of choice based lettings to £50,000, sufficient to fund a provision that can be made available on a weekly basis in each housing office, leisure centre and one-stop shop in the borough, as well as online, to be managed by the lettings team;
 - To cut departmental budgets by £143,000, to reduce their general advertising spend allocated in previous years to East End Life;
 - To delete the funding of £296k for Mayor's Advisors;
 - Not allocate the £1.8m of unallocated funds set out in Section 3 of Cabinet Report Wednesday 13th February to any other provision;
 - Use the £200,000 of available capital spending to free up £200,000 of previously capitalised revenue funding that will be ring fenced as a contingency fund to support the deletion of the budget used for East End Life.

- To ring fence the savings and unallocated funds resulting from the above and set out in the below table, into a ring-fenced reserve to support a reduction in the council's black hole in 2015/16;
- To place a general restriction on the council that all virements outside of the agreed budget framework above £200,000 must be agreed by full council (* see note below)

Saving	2013/14	2014/15	Total saving
Unallocated Funding	£1.8m		£1.8m
Saving from statutory advertising	£167k	£167k	£334k
Saving from Choice Based Lettings advertising	£126k	£126k	£252k
Reduce departmental budgets (advertising spend)	£143k	£143k	£286k
Reallocation of Capital Funding	0	0	0
Mayor's Advisors	£296k	£296k	£592k
Total	£2.532m	£732k	£3.264m

- To delete the figure of '£150k' in the amendment moved by Councillor Rania Khan for 'events' and replace this with '£39k'.

[* Note: Proposal to impose a limit of £200,000 above which virements must be agreed by Full Council – Officers advise that this matter cannot be considered at Budget Council as procedures and regulations make it clear that Budget Council is for financial matters not constitutional matters. The Constitution requires that constitutional changes are referred to General Purposes Committee with full officer comments in order that all parties can be consulted. It would then be referred back to Full Council at a later date.]

2. That accordingly a General Fund revenue budget of £297.806m and a total Council Tax Requirement for Tower Hamlets in 2013/14 of £63,343,000 be agreed as set out in the table below.

Service	Base 2012-13 £'000	Savings		Growth £'000	Adjustments	Total 2013-14 £'000
		Approved £'000	New £'000			
Education, Social Care and Wellbeing	183,651	(3,750)	(3,910)	21,326	(2,184)	195,133
Communities, Localities and Culture	78,855	(5,017)	(249)	5,417	(3,319)	75,687
Development & Renewal	20,192	(5,542)	(126)	1,720	(597)	15,647
Resources	11,811	(1,206)	(90)	1,250	(904)	10,861
Chief Executives	9,545	(187)	(463)	0	(909)	7,986
Public Health	0	0	0	29,982	0	29,982
Net Service Costs	304,054	(15,702)	(4,838)	59,695	(7,913)	335,296
Other Net Costs						
Capital Charges	10,010	0	(150)	1,000	0	10,860
Levies	2,415	0	(399)	0	0	2,016
Pensions	13,142	0	0	2,250	0	15,392
Other Corporate Costs	(19,022)	(1,669)	(603)	1,338	2,642	(17,314)
Total Other Net costs	6,545	(1,669)	(1,152)	4,588	2,642	10,954
Public Health Grant	0	0	0	(31,382)	0	(31,382)
Core Grants	(14,312)	(32)	(11,179)	2,284	0	(23,239)
Reserves						
General Fund (Corporate)	0	0	0	1,498	0	1,498
Earmarked (Directorate)	(2,317)	(3,400)	0	0	2,024	(3,693)
General Fund (Smoothing)	(105)	0	0	0	2,717	2,612
Inflation	0	0	0	5,760	0	5,760
Funding Available for Mayoral Priorities	0	0	0	0	0	0
Total Financing Requirement	293,865	(20,803)	(17,169)	42,443	(530)	297,806
Government Funding	(211,835)	0	0	61,165	0	(150,670)
Retained Business Rates	0			(96,361)	0	(96,361)
Council Tax	(80,430)	(554)	0	17,641	0	(63,343)
Collection Fund Surplus	0	0	(1,645)	0	0	(1,645)
Total Financing	(292,265)	(554)	0	78,806	0	(312,019)

3. To agree a Council Tax for Tower Hamlets in 2013/14 of £885.52 at Band D resulting in a Council Tax for all other band taxpayers, before any discounts, and excluding the GLA precept, as set out in the table below:-

BAND	PROPERTY VALUE		RATIO TO BAND D	LBTH COUNCIL TAX FOR EACH BAND
	FROM £	TO £		
A	0	40,000	$\frac{6}{9}$	£590.35
B	40,001	52,000	$\frac{7}{9}$	£688.74
C	52,001	68,000	$\frac{8}{9}$	£787.13
D	68,001	88,000	$\frac{9}{9}$	£885.52
E	88,001	120,000	$\frac{11}{9}$	£1,082.30
F	120,001	160,000	$\frac{13}{9}$	£1,279.08
G	160,001	320,000	$\frac{15}{9}$	£1,475.87
H	320,001	and over	$\frac{18}{9}$	£1,771.04

4. To agree that for the London Borough of Tower Hamlets in 2013/14:-

(a) The Council Tax for Band D taxpayers, before any discounts, and including the GLA precept, shall be £1,188.52 as shown below: -

	£
	(Band D, No Discounts)
LBTH	885.52
GLA	303.00
Total	1,188.52

(b) The Council Tax for taxpayers in all other bands, before any discounts, and including the GLA precept, shall be as detailed in the table below: -

BAND	PROPERTY VALUE		RATIO TO BAND D	LBTH	GLA	TOTAL
	FROM	TO				
	£	£		£	£	£
A	0	40,000	$\frac{6}{9}$	590.35	202.00	792.35
B	40,001	52,000	$\frac{7}{9}$	688.74	235.67	924.41
C	52,001	68,000	$\frac{8}{9}$	787.13	269.33	1,056.46
D	68,001	88,000	$\frac{9}{9}$	885.52	303.00	1,188.52
E	88,001	120,000	$\frac{11}{9}$	1,082.30	370.33	1,452.63
F	120,001	160,000	$\frac{13}{9}$	1,279.08	437.67	1,716.75
G	160,001	320,000	$\frac{15}{9}$	1,475.87	505.00	1,980.87
H	320,001	and over	$\frac{18}{9}$	1,771.04	606.00	2,377.04

5. To approve the statutory calculations of this Authority's Council Tax Requirement in 2013/14, detailed in **Appendix 2** to these minutes, undertaken by the Chief Financial Officer in accordance with the requirements of Sections 31 to 36 of the Local Government Finance Act 1992.

6. To approve the Treasury Management Strategy Statement, the Annual Investment Strategy and the Minimum Revenue Provision Policy Statement as presented in the report of the Interim Corporate Director, Resources to Cabinet on 13 February 2013.
7. To approve the General Fund Capital and Revenue Budgets and Medium Term Financial Plan 2013-2016 as amended and summarised in the tables below.

	2012-13	2013-14	2014-15	2015-16
	£'000	£'000	£'000	£'000
Net Service Costs	310,960	293,865	297,806	299,603
Growth (Incl Public Health)	6,005	40,566	4,368	3,051
CLG Grants transferring into baseline	0	23,717	0	0
Savings				
Approved	(23,656)	(20,771)	(6,577)	0
New		(5,990)	(115)	0
Inflation	4,100	5,760	6,342	7,000
Core Grants (incl Public Health)	(3,647)	(40,309)	(460)	(406)
Earmarked Reserves (Directorates)	103	(530)	(565)	0
Contribution to/from Reserves	0	1,498	(1,196)	(302)
Funding Available for Mayoral Priorities	0	0	0	0
Total Funding Requirement	<u>293,865</u>	<u>297,806</u>	<u>299,603</u>	<u>308,946</u>
Government Funding	(211,835)	(150,670)	(122,968)	(105,876)
Retained Business Rates		(96,361)	(98,763)	(100,232)
Council Tax	(80,430)	(63,343)	(64,927)	(66,550)
Collection Fund Surplus	0	(1,645)	0	0
Total Funding	<u>(292,265)</u>	<u>(312,019)</u>	<u>(286,658)</u>	<u>(272,658)</u>
Budget Gap (excl use of Reserves)	1,600	(14,213)	12,945	36,288
Unallocated Contingencies	(8,017)	0	0	0
Budgeted Contributions to Reserves	0	(1,498)	(302)	
General Fund Reserves	6,417	15,711	(12,643)	(15,865)
Unfunded Gap	0	0	0	20,423
	31/03/2013	31/03/2014	31/03/2015	31/03/2016
Balance on General Fund Reserves (£000s)	32,797	48,508	35,865	20,000

Detailed analysis of the Medium Term Financial Plan by service area 2013/14 to 2015/16

Service	Base	Savings		Growth	Adjustments	Total	Savings		Growth	Adjustments	Total	Savings		Growth	Adjustments	Total
	2012-13 £'000	Approved £'000	New £'000				2013-14 £'000	Approved £'000				New £'000	2014-15 £'000			
Education, Social Care and Wellbeing	183,651	(3,750)	(3,910)	21,326	(2,184)	195,133	(1,960)	(50)	2,567	(710)	194,980	0	0	(909)	0	194,071
Communities, Localities and Culture	78,855	(5,017)	(249)	5,417	(3,319)	75,687	(350)	(65)	785	(565)	75,493	0	0	(222)	0	75,271
Development & Renewal	20,192	(5,542)	(126)	1,720	(597)	15,647	(1,534)	0	0	0	14,113	0	0	0	0	14,113
Resources	11,811	(1,206)	(90)	1,250	(904)	10,861	(230)	0	0	0	10,631	0	0	0	0	10,631
Chief Executives	9,545	(187)	(463)	0	(909)	7,986	0	0	0	0	7,986	0	0	296	0	8,282
Public Health	0	0	0	29,982	0	29,982	0	0	0	0	29,982	0	0	0	0	29,982
Net Service Costs	304,054	(15,702)	(4,838)	59,695	(7,913)	335,296	(4,074)	(115)	3,352	(1,275)	333,184	0	0	(835)	0	332,349
Other Net Costs																
Capital Charges	10,010	0	(150)	1,000	0	10,860	0	0	1,000	0	11,860	0	0	0	0	11,860
Depreciation	2,415	0	(399)	0	0	2,016	0	0	0	0	2,016	0	0	0	0	2,016
Pensions	13,142	0	0	2,250	0	15,392	0	0	2,200	0	17,592	0	0	2,000	0	19,592
Other Corporate Costs	(19,022)	(1,669)	(603)	1,338	2,642	(17,314)	(2,503)	0	(2,184)	0	(22,001)	0	0	1,886	0	(20,115)
Total Other Net costs	6,545	(1,669)	(1,152)	4,588	2,642	10,954	(2,503)	0	1,016	0	9,467	0	0	3,886	0	13,353
Public Health Grant	0	0	0	(31,382)	0	(31,382)	0	0	0	0	(31,382)	0	0	0	0	(31,382)
Core Grants	(14,312)	(32)	(11,179)	2,284	0	(23,239)	(2,000)	(1,000)	2,540	0	(23,699)	(2,000)	(1,000)	2,594	0	(24,105)
Reserves																
General Fund (Corporate)	0	0	0	1,498	0	1,498	0	0	302	0	1,800	0	0	(1,800)	0	0
Earmarked (Directorate)	(2,317)	(3,400)	0	0	2,024	(3,693)	0	0	0	710	(2,983)	0	0	0	0	(2,983)
General Fund (Smoothing)	(105)	0	0	0	2,717	2,612	0	0	0	0	2,612	0	0	0	0	2,612
Inflation	0	0	0	5,760	0	5,760	0	0	6,342	0	12,102	0	0	7,000	0	19,102
Funding Available for Mayoral Priorities	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Financing Requirement	293,865	(20,803)	(17,169)	42,443	(530)	297,806	(8,577)	(1,115)	13,552	(565)	299,603	(2,000)	(1,000)	10,845	0	308,946
Government Funding	(211,835)	0	0	61,165	0	(150,670)	0	0	27,702	0	(122,968)	0	0	17,092	0	(105,876)
Retained Business Rates	0	0	0	(96,361)	0	(96,361)	0	0	(2,402)	0	(98,763)	0	0	(1,469)	0	(100,232)
Council Tax	(80,430)	(554)	0	17,641	0	(63,343)	0	0	(1,584)	0	(64,927)	0	0	(1,623)	0	(66,550)
Collection Fund Surplus	0	0	(1,645)	0	0	(1,645)	0	0	0	0	0	0	0	0	0	0
Total Financing	(292,265)	(554)	0	78,806	0	(312,019)	0	0	26,118	0	(286,658)	0	0	15,469	0	(272,658)

APPENDIX 1**BUDGET COUNCIL MEETING – 27th FEBRUARY 2013****Independent Amendment**

Proposer: Cllr Oliur Rahman
Seconder: Cllr Shafiqul Haque

This Council Notes:

1. The report from the University and College Union that Bethnal Green and Bow constituency has the highest number of people without formal qualifications in the country.
2. The report from the Campaign to End Child Poverty that Tower Hamlets continues to have among the highest levels of child poverty in the county.
3. The progress made over the last decade in the borough to increase the numbers of people with formal qualifications and reduce levels of child poverty. The recent census information shows a decrease in the proportion of people without any formal qualifications from 35% in 2001 to 20% in 2011. The current figure of 42% of children living in poverty is a decline from 53% in 2009 and 60% 2006.

This Council Agrees:

1. Government cuts threaten to roll back these advances:
 - Instead of improving access to education for poorer communities, the government is restricting it. They have slashed the education maintenance allowance, increased tuition fees, and replaced financial support for adult learners with prohibitive loans.
 - Instead of lifting people out of poverty, government welfare reform threatens to place more families to poverty. The DWP have identified thousands of households in Tower Hamlets that will be affected by welfare reform, not just large families or the workless, these are families living on low incomes. The average reduction will be £101 a week. 37% will lose more than £100 a week. 30% will lose between £50-10 a week.

This Council Notes the following resource implications:

1. The Council currently has a healthy level of reserves, expected to be £32,897,000 in March this year.

This Council Believes:

1. That the requirement to maintain a healthy level of reserves to meet current and future risks must be balanced responsibly with the needs of Tower Hamlets residents and the opportunity to invest in the borough's future.

This Council Resolves:

1. To allocate the one-off funding in the following areas allocated from funding already set aside in the budget for third sector grants :

This Council Resolves:

1. To extend provision in the borough for those without formal qualifications and effected by welfare cuts by committing £65,000 to the establishment the new Unite Community Centre in St George's Town Hall.
2. This is a partnership between the council, Unite - Europe's largest trade union and Barclay's Bank.
3. The Unite Community Centre will offer:
 - Education courses, employment and welfare advice services and community events.
 - It will run three Skills for Life courses a week, and each will hold three sessions a week.
 - Over the course of the year it aims to have 300 learners take Skills for Life courses.
 - Based on this, and the provision of non-accredited ESOL, art and photography courses, and cultural events, the centre expects 50 unique visitors a week.

Budget Council Meeting – 27th February 2013**Independent Amendment**

Proposer: Cllr Rania Khan

Seconder: Cllr Abdul Asad

This Council notes the progressive budget proposals from Mayor Rahman and his administration, which will see:

1. A borough we can be proud of and which is environmentally friendly; including ten new THEOs, a potholes squad, new cycling infrastructure, a new Burial Ground, £1m further investment into our Faith Buildings and £800,000 on a borough wide deep clean.
2. Investment in our young people; continuing our MEA scheme, providing 400 Mayor's University Grants and free school meals for all children in reception and year one for the next two years.
3. Bringing investment into key areas of the borough; bringing improvements into and promoting Roman Road, Burdett Road, Brick Lane and Bethnal Green Market.
4. Keeping more money into residents' pockets; freezing council tax and fees and charges and maintaining council tax benefit and creating a £1m Preventing Homelessness Fund.

This Council notes the following in relation to the borough's rich heritage and culture:

1. Tower Hamlets has an exceptionally rich history which has been shaped by the different people who have lived and worked here; the movements that started here and have grown to be national and global forces for changes; our links to royalty; and our role as the economic powerhouse of London and the country.
2. Tower Hamlets is currently facing the fastest pace of change and development in the country. This development is creating jobs, new houses and a borough fit for the future.
3. In light of this new development, there is a commitment from both residents and the administration of the borough to ensure that the history and heritage of the borough is preserved and celebrated.
4. That Cultural Industries are one of the fastest growth areas in the borough, with currently over 30,000 jobs in cultural and creative industries in Tower Hamlets.
5. The Enterprise Strategy identified the importance of cultural industries for the borough's economic future.

This Council notes the following central government cuts to culture and heritage:

1. The Suspension of English Heritage's Blue Plaque scheme in January 2013, due cuts in government funding. The scheme is being wound

down, with only approved plaques being installed and no new suggestions from the public being taken.

2. The sustained funding reductions from central government sources towards arts and cultural activities, including the 30% reduction in funding to the Arts Council; the scrapping of the UK Film Council and Museums, Libraries and Archives Council; and the collective impact of reduced funding availability on the ability for cultural services to continue to run.

This Council notes the following in regards to the borough's disabled and elderly residents and the third sector:

1. Tower Hamlets has a larger number of residents receiving disability benefits and with limiting long term conditions than the national average.
2. Disabled residents are more likely to live in poverty and to suffer from social isolation.
3. Tower Hamlets has a young population, however 6.1% of the population are aged 65, of which we have the highest proportion of older residents living alone and an above average level of pensioner poverty.
4. The Council continues to provide a wide range of services to disabled and elderly residents and this administrations' commitment to free home care, makes Tower Hamlets the only council in the country to offer free home care.
5. Tower Hamlets has a thriving third sector, with between 2,000 and 3,000 organisations working in the borough. They provide a range of vital services, including delivery against our own Community Plan targets. The important role they play has been recognised by this administration who has increased investment in the Mainstream Grants to £8m.

This Council notes the following central government reforms:

1. The reduction in government support to older residents and disabled residents, including the change from RPI to CPI in pension uplift; the change in disability support from Disability Living Allowance onto Employment Support Allowance or Jobseekers Allowance and the transition from Disability Living Allowance to Personal Independence Payments, which will result in fewer residents receiving levels of support and those in receipt of benefits receiving less. This is in conjunction with rising food and energy bills which impact the hardest on those on fixed low incomes.
2. That the rhetoric of the Big Society which suggested an enhanced role for the third sector has been undermined by the funding cuts from central government have resulted in reduced ability for the third sector to provide services and have resulted in the third sector feeling marginalised and under-recognised.

This Council Notes the following resource implications:

1. The Council currently has a healthy level of reserves, expected to be £32,897,000 in March this year.

This Council Believes:

1. That the requirement to maintain a healthy level of reserves to meet current and future risks must be balanced responsibly with the needs of Tower Hamlets residents and the opportunity to invest in the borough's future.

This Council Resolves:

1. To allocate the one-off funding in the following areas allocated from funding available from additional savings identified during the budget process and set out in the budget papers :

In relation to celebrating our older and disabled residents and the excellent work of our third sector:

Allocate £150k for 3 events to celebrate the achievements and contributions made by older residents in Tower Hamlets, disabled residents in Tower Hamlets and the third sector.

- A Disability Day to further promote disabled residents' dignity and wellbeing, which will be a celebration of disabled residents as well as provide information about support services and welfare advice.
- An Older People's Day to celebrate the contributions older residents have made and continue to make in the borough as well as an opportunity to provide information about support services, activity and leisure opportunities.
- A Third Sector Celebration to promote the excellent work and achievements of our third sector.

In relation to celebrating our heritage and history

Allocate a one-off sum of £4,000 to create a Tower Hamlets People's History Plaque Scheme.

- This will ensure we are able to commemorate our unique history and heritage.

In relation to helping our young people into the creative industries

Allocate £125k to create 10 part time apprenticeships in local creative industries.

This will enable young people in Tower Hamlets to gain valuable experience in the huge range of cultural industries in the borough.

APPENDIX 2

**LONDON BOROUGH OF TOWER HAMLETS
COUNCIL 7th MARCH 2013
BUDGET & COUNCIL TAX STATUTORY CALCULATIONS**

SETTING THE AMOUNT OF COUNCIL TAX FOR THE COUNCIL'S AREA

1. That the revenue estimates for 2013/2014 be approved.
2. That it be noted that, at its meeting on 9th January 2013, Cabinet calculated 71,531 as its Council Tax base for the year 2013/2014 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]
3. That the following amounts be now calculated by the Council for the year 2013/14 in accordance with Section 31 to 36 of the Local Government Finance Act 1992 as amended and the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2011:
 - (a) £1,191,184,000 Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of The Act. [Gross Expenditure]
 - (b) £1,127,841,000 Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of The Act. [Gross Income]
 - (c) £63,343,000 Being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of The Act, as its council tax requirement for the year. (Item R in the formula in Section 31B of The Act). [Council Tax Requirement]
 - (d) £885.52 Being the amount at 3(c) above (Item R), all divided by Item T (2 above), calculated by the Council, in accordance with Section 31B(1) of The Act, as the basic amount of its Council Tax for the year. [Council Tax]

(e)	VALUATION BAND	LBTH £
	A	590.35
	B	688.74
	C	787.13
	D	885.52
	E	1,082.30
	F	1,279.08
	G	1,475.87
	H	1,771.04

Being the amount given by multiplying the amount at 3(d) above by the number which, in the proportion set out in Section 5(1) of The Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of The Act, as the amount to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted that for the year 2013/14 the Greater London Authority has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:-

VALUATION BAND	GLA £
A	202.00
B	235.67
C	269.33
D	303.00
E	370.33
F	437.67
G	505.00
H	606.00

5. That, having calculated the aggregate in each case of the amounts at 3(d) and 4 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2013/14 for each of the categories of dwellings shown below:-

VALUATION BAND	TOTAL COUNCIL TAX £
A	792.35
B	924.41
C	1056.46
D	1188.52
E	1452.63
F	1716.75
G	1980.87
H	2377.04

6. Government regulation now requires a local authority to conduct a referendum where if compared with the previous year, they set council tax increases that are “excessive”. Under current legislation and in accordance with principles approved under Section 52ZB Local Government Finance Act 1992, the Council tax set by the London Borough of Tower Hamlets for 2013/14 is not deemed to be excessive.

The meeting ended at 9.05 p.m.

Councillor Rajib Ahmed,
Speaker of the Council

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 17th APRIL 2013

PETITIONS

**REPORT OF THE SERVICE HEAD,
DEMOCRATIC SERVICES**

SUMMARY

1. The Council's Constitution provides for up to three petitions to be received at each Council Meeting. These are taken in order of receipt. This report sets out the valid petitions submitted for presentation at the Council meeting on Wednesday 17th April 2013.
2. The deadline for receipt of petitions for this meeting is noon on Thursday 11th April. However, at the time of agenda despatch the maximum number of petitions has already been received as set out overleaf.
3. In each case the petitioners may address the meeting for no more than three minutes. Members may then question the petitioners for a further four minutes. Finally, the relevant Cabinet Member or Chair of Committee may respond to the petition for up to three minutes.
4. Any outstanding issues will be referred to the relevant Corporate Director for attention who will respond to those outstanding issues in writing within 28 days.
5. Members should confine their contributions to questions and answers and not make statements or attempt to debate.

5.1 Putting the Bang back into Banglatown (Petition from Mr Dan McCurry and others)

We, the undersigned, request the assistance of Tower Hamlets council, in our project to regenerate the restaurant business of Brick Lane. We are inspired by Temple Street market, in Hong Kong, which is illuminated by colourful neon advertising banners, that criss cross the street. See photos below. By emulating the colourful advertising banners, in Bangla style, we hope to increase the attraction of the area as a culinary destination.

5.2 Stop Vodafone from erecting six mobile phone masts on James Hammett House (Petition from Mr George Morgan and others)

Despite objections from local residents, Columbia TRA, JHERA and LBTH Planning Department and following three unsuccessful planning applications the planning inspectorate have allowed Vodafone, on appeal, to erect six mobile phone masts on James Hammett House. The block recently underwent significant refurbishment and is in a conservation area. I ask that [the Mayor] now use [his] executive powers not to allow these masts to be installed.

5.3 Petition against the closure of East End Life (Petition from Mr Ahmed Osman and others).

We, the undersigned, residents of Tower Hamlets, are protesting against Tower Hamlets Labour and Tory parties' decision to close East End Life paper. East End Life is a valuable community resource, serving over 90,000 households, every week across the borough. The Labour and Tory party decision is reckless and pushed through without any consultation with staff, unions or residents. It puts jobs at risk, impacts on families and could cost the council more money if it's outsourced. We call on the Mayor, to do everything within his power, to keep this important community asset available to the residents of Tower Hamlets.

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 17th APRIL 2013

**QUESTIONS SUBMITTED BY
MEMBERS OF THE PUBLIC**

**REPORT OF THE SERVICE HEAD,
DEMOCRATIC SERVICES**

SUMMARY

1. Set out overleaf are the questions submitted by members of the public, for response by the Mayor or appropriate Cabinet Member or committee chair at the Council Meeting on 17th April 2013.
2. The Council's Constitution sets a maximum time limit of twenty minutes for this item.
3. A questioner who has put a question in person may also put one brief supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. Supplementary questions and Members' responses to written and supplementary questions are each limited to two minutes.
4. Any question which cannot be dealt with during the twenty minutes allocated for public questions, either because of lack of time or because of non-attendance of the questioner or the Member to whom it was put, will be dealt with by way of a written answer.
5. Unless the Speaker of Council decides otherwise, no discussion will take place on any question, but any Member of the Council may move, without discussion, that the matter raised by a question be referred for consideration by the Cabinet or the appropriate Committee or Sub-Committee.

QUESTIONS

Ten questions have been submitted as set out below:-

6.1 Question from Mr Koyes Uddin

Can the Mayor tell us how many jobs will be lost as a result of the Labour-Conservative party's decision to close East End Life, and can he provide a breakdown of the possible equalities implications this will have?

6.2 Question from Mr Fazleh Elaahi

Dame Colet House has been closed and in a state of disrepair for many years. What plans does the Mayor have to bring this site back into community use?

6.3 Question from Mr Abu Ahsan

What plans does the Mayor have to regenerate Whitechapel?

6.4 Question from Ms Denisa Limani

Will the Mayor tell us the impact of Labour party's decision to cut funding to engage with disable, elderly and hard-to-reach community groups will have on the council's long term finances?

6.5 Question from Mr Abdul Azad

Can the Mayor tell us what he plans to do with the £800k allocated in his budget proposal for borough's street cleaning?

6.6 Question from Ms Pawla Cottage

Will you guarantee that no Tower Hamlets Council tenants (whose homes are managed on your behalf by THH) are threatened with eviction due to arrears caused by the Bedroom Tax and other benefit cuts?

6.7 Question from Mr Marcus O'Mara

In which ways will this Council use its Strategic Housing role to protect tenants of RSLs and tenants of private landlords from eviction due to benefit cuts?

6.8 Question from Mr Suluk Ahmed

Why did Peter Golds and the Tories propose to remove the contribution of British-Bangladeshis from Tower Hamlets electoral map?

6.9 Question from Ms Lillian Collins

I am proud to have lived in Poplar for over 50 years, and I couldn't understand why it was proposed to remove the legacy of East End icon, George Lansbury, from the map of Tower Hamlets?

6.10 Question from Mr Ruhel Miah

Will the Mayor join me in reminding all Councillors, who are elected by the residents of this borough, to uphold the highest levels of personal and professional integrity when reporting concerns to the authorities?

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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 17th APRIL 2013

**QUESTIONS SUBMITTED BY
MEMBERS OF THE COUNCIL**

**REPORT OF THE SERVICE HEAD,
DEMOCRATIC SERVICES**

SUMMARY

1. Set out overleaf are the questions submitted by Members of the Council for response by the Executive at the Council meeting on Wednesday 17th April 2013.
2. Questions are limited to one per Member per meeting, plus one supplementary question unless the Member has indicated that only a written reply is required and in these circumstances a supplementary question is not permitted.
3. Oral responses are time limited to one minute. Supplementary questions and responses are also time limited to one minute each.
4. There is a time limit of thirty minutes for consideration of Members' questions with no extension of time allowed and any question not answered within this time will be dealt with by way of a written response. The Speaker will decide the time allocated to each question.
5. Members must confine their contributions to questions and answers and not make statements or attempt to debate.

MEMBERS' QUESTIONS

24 questions have been received from Members of the Council as follows:-

8.1 Question from Councillor David Edgar

Could the Mayor provide an update on the consultation arrangements with local residents on the work associated with the refurbishment and redevelopment of Poplar Baths?

8.2 Question from Councillor David Snowdon

On how many occasions over the past year has Tower Hamlets council conducted testing of food at restaurants to ensure that the meat served to customers is the same meat as has been ordered?

8.3 Question from Councillor Lesley Pavitt

What is happening to Old Flo? Where is she? Has the question about who owns her been resolved and what is the Mayor's plan for her?

8.4 Question from Councillor Gulam Robbani

Can the Mayor tell us his opinion on the Boundary Commission changes?

8.5 Question from Councillor Joshua Peck

What plans does the Mayor have to transfer the old caretaker building on Arbery Road to Old Ford Housing?

8.6 Question from Councillor Zara Davis

Will the Mayor join me in encouraging Tower Hamlets schools to bid for a share of Boris Johnson's £24m London Schools Excellence Fund, which has been created to help drive up standards across the capital? With the first round of applications for the funding closing at the end of April, will you be actively promoting the fund to schools in our borough?

8.7 Question from Councillor Anwar Khan

Has the Mayor applied to DCLG for an exemption from the new rules allowing conversion from business to residential use without planning permission?

8.8 Question from Councillor Kabir Ahmed

Now that the Electoral Commission, Police and the Council have completed their investigations into alleged electoral fraud, can the Mayor tell us what their findings were and how much this has cost the ratepayers?

8.9 Question from Councillor Ann Jackson

Following the recent landmark vote to legalise gay marriage will the Mayor confirm that, once the Bill is enacted, he will allow gay marriages to take place in appropriate council premises?

8.10 Question from Councillor Peter Golds

Will the Mayor please inform the council what additional posts are to be created (both directly employed and contractors) within the Mayor's Office as a result of the Mayoral Decision to increase the budget of his office by £296,000 against the democratic will of Full Council?

8.11 Question from Councillor Marc Francis

What action the Mayor is taking to deal with the persistent problems of anti-social behaviour in Grove Hall park?

8.12 Question from Councillor Maium Miah

Following the recent allegations and reports of an attempted break-in on the first floor of the Town Hall, can the Mayor update us on progress with the inquiries?

8.13 Question from Councillor Abdal Ullah

With crime reported to be increasing in the borough can the Mayor say what steps he has taken to ensure that burglary and theft from homes and small businesses is reduced? These are crimes which can have a devastating impact on those affected.

8.14 Question from Councillor Tim Archer

Will the Mayor detail how the Council is supporting the community right to acquire principles as enshrined in the Localism Act?

8.15 Question from Councillor M. A. Mukit MBE

How many people in Tower Hamlets will be affected by the Government's Benefit Cap and what impact does the Mayor expect this to have?

8.16 Question from Councillor Lutfa Begum

Given the draconian welfare reform measures the Tory-led Government has introduced from 1st April, can the Mayor tell us what he is doing to support Tower Hamlets residents?

8.17 Question from Councillor John Pierce

What locally based provision will be delivered by the Mayor through the newly devolved Social Fund?

8.18 Question from Councillor Gloria Thienel

What is the Mayor doing to prevent and clear up Dog Fouling on the Isle of Dogs?

8.19 Question from Councillor Rachael Saunders

What impact does the Mayor expect his decision to cut 5% from the staffing budgets of the borough's adults and children's social workers, to have on the delivery of services to the most vulnerable in the borough?

8.20 Question from Councillor Aminur Khan

With the Tory-Labour coalition's continued obsession with the Mayor; what steps is the Mayor taking to ensure that he continues to deliver for the residents of this borough, which he was overwhelmingly elected to do, despite the divisive rhetoric from the opposition?

8.21 Question from Councillor Carlo Gibbs

Does the Mayor believe a £1m discretionary payments fund will be sufficient enough to mitigate the impact of welfare cuts?

8.22 Question from Councillor Craig Aston

Why is the Mayor carrying out a second costly review of East End Life, which Government legislation will abolish before this end of the Parliament, given one was carried out in 2011, and how much will this review cost?

8.23 Question from Councillor Denise Jones

The Women's library is an important community resource and one which the Council actively supported when negotiating the transfer of the Old Baths building to house the collection. Does the Mayor agree with me that now the London Metropolitan University Trust have decided to give the collection to the LSE the building should be retained as a community and specifically women's resource?

8.24 Question from Councillor Dr Emma Jones

Will the Mayor please comment on the High Court's decision on March 8 that Tower Hamlets council was following an unlawful policy in discriminating against family and friends carers as they were not eligible to be paid the fee/reward part of the fostering allowance paid to professional carers?

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Agenda Item 9.1

Committee/Meeting: Council	Date: 17 th April 2013	Classification: Unrestricted	Report No:
Report of: Head of Paid Service and Corporate Director Communities Localities and Culture Originating officer(s) David Tolley Head of Consumer and Business Regulation		Title: Gambling Act 2005 – Three year review of Gambling Policy Wards Affected: All	

Lead Member	Councillor Ohid Ahmed
Community Plan Theme	A Safe and Cohesive Community
Strategic Priority	Focusing on Crime and Anti-Social Behaviour

1. **SUMMARY**

- 1.1 All Local Authorities have to review and adopt a Gambling Policy every three years which defines how they will administer and exercise their responsibilities under the Gambling Act 2005.
- 1.2 A statutory consultation process has taken place and the comments received have been analysed and incorporated into the policy where necessary.
- 1.3 The Policy has also been to the Licensing Committee on the 18th December 2012 and to Overview and Scrutiny on the 12th March 2013 and Cabinet on the 13th March 2013. Any comments made have been included in this report.
- 1.4 The Policy is now before full Council for approval and adoption.

2. **DECISIONS REQUIRED**

- 2.1 Council is recommended to:-
- 2.2 Agree the proposed Gambling Policy for adoption.

3. **REASONS FOR THE DECISIONS**

- 3.1 All relevant local authorities have to review their Gambling Policy, as one of the responsibilities they have, under the Gambling Act 2005.
- 3.2 The purpose of the policy is to define how the responsibilities under the Act are going to be exercised and administered.

- 3.3 A statutory consultation process has taken place and in addition there was the opportunity for the local community to comment on it.
- 3.4 In order for Authority to carry out its statutory obligations a Gambling Policy needs to be approved by full Council.

4. ALTERNATIVE OPTIONS

- 4.1 Pursuant to the Gambling Act 2005, the Council is a licensing authority for the licensing of premises used for gambling. If the Council did not have a policy it would be acting ultra vires with regards to any decisions it makes determining gambling premises licences. This course of action is not recommended.
- 4.2 Regulations specify matters that the Council's Gambling Policy must contain. The Council is also required to have regard to guidance issued by the Gambling Commission, which also specifies requirements for gambling policies. If the Council did not comply with the Commission's guidance, then it would need to have good reasons for failing to do so. The content of the proposed Gambling Policy is recommended having regard to the requirements in the Act, Regulations and guidance.

5. BACKGROUND

- 5.1 Licensing local authorities in England and Wales have all been required by the Gambling Act 2005 to adopt a Gambling Policy.
- 5.2 The policy sets out in detail how the licensing authority will discharge its licensing functions under the Gambling Act 2005.
- 5.3 There are three licensing objectives set out in the Act:
- *Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*
 - *Ensuring gambling is conducted in a fair and open way*
 - *Protecting children and other vulnerable people from being harmed or exploited by gambling.*

6. BODY OF REPORT

- 6.1 The Gambling Act 2005 gives local authorities a range of responsibilities relating to gambling. The Gambling Policy expresses how the Licensing Authority will exercise its authority.
- 6.2 This policy covers the following:
- How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.

- The main licensing objective for the authority is protecting the vulnerable.
 - The Licensing Authority approach to regulation
 - The scheme of delegation
- 6.3 The Gambling Policy is heavily prescribed by central government and the Gambling Commission. The policy produced has to comply with guidance issued by both of these bodies. The current policy is compatible with this advice and guidance.
- 6.4 Members should note that some of the major issues and concerns about gambling are not addressed in the policy and in any consultation. For example, gambling addiction is outside the remit of the consultation, as are arguments about the public benefits, or otherwise, of a more liberal gambling regime.
- 6.5 In addition, 'noise nuisance' is not a licensing objective, so the regime will not consider the impact of licensed premises on nearby residents. Any issues relating to noise and nuisance will be dealt with by other Council Service's.
- 6.6 As a result of the statutory consultation the Licensing Authority received four responses; a summary of these are given in Annex 3 of the London Borough of Tower Hamlets Gambling Policy 2012-2017 [Appendix] Consultation took place with local licence holders, responsible authorities, gambling support groups, faith groups, housing associations, Licensing Committee and also received representations from some Councillors. A full list of consultees can be found in Annex 2 of the same policy.
- 6.7 The Gambling Best Practice Guide for businesses was introduced after consultation with key Members in order to strengthen policy specific to the protection of vulnerable groups.
- 6.8 As part of the policy development process the Mayor has asked that a 'no Casino' resolution (under section 166 of the Gambling Act 2005) be consulted upon with a view to amending the Gambling Policy if the consultation was positive. This request was replicated by Cabinet and independently requested by Overview and Scrutiny. As a result Officers are now engaged in pursuing consultation on such a resolution; consultation commenced on 5th April and will conclude on 10th May.
- 6.9 The limited and heavily prescribed responsibilities that the Council has under the Gambling Act 2005 and set out in the Gambling Policy have not, as a result, been controversial. Approximately 80 licences have been issued, primarily to betting shops and adult amusement arcades. These businesses are nearly all national companies that have conducted their business within legal requirements.
- 6.10 The draft Gambling Policy is in Appendix 1 to this report.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 There are no specific financial implications emanating from this report which seeks full Council approval and adoption of the Gambling Policy.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1 Pursuant to the Gambling Act 2005, the Council is a licensing authority and, as such, is also a responsible authority for Tower Hamlets. The Council's functions as a licensing authority include the licensing of premises used for gambling.

- 8.2 As set out in paragraph 5.3 of the report, the Gambling Act sets out three licensing objectives, which the Council is required to have regard to when exercising specified functions. When exercising its functions in relation to premises licences, the Council is required by section 153 of the Gambling Act to permit the use of premises for gambling to the extent that the Council thinks it –

- In accordance with any relevant code of practice.
- In accordance with any statutory guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives.
- In accordance with the Council's gambling policy

- 8.3 The Council may not have regard to the expected demand for the proposed facilities when determining whether or not to grant a premises licence.

- 8.4 Section 349 of the Gambling Act 2005 requires the Council to prepare a statement of the principles that it proposes to apply in exercising its functions under the Act and to determine and then publish this statement. This statement is more commonly known as a gambling policy. The preparation of the statement of principles is to be undertaken every 3 years.

- 8.5 Under section 166 of the Gambling Act, the Council may resolve not to issue casino licences. The gambling policy must include reference to any such resolution by the Council.

- 8.6 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 ("the Regulations") set out requirements for the content of a gambling policy. The policy must include –

- An introductory section which summarises the matters dealt with in the statement, a description of the geographical area in which it applies (i.e. Tower Hamlets) and a list of the persons consulted in preparing the statement (see Part A, section 2 of the proposed policy).

- The principles to be applied by the Council when designating a body competent to advise about the protection of children from harm (see Part A, paragraph 4.1 of the proposed policy).
- The principles to be applied by the Council to determine whether a person is an interested person in relation to a premises licence or an application for such a licence (see Part A, paragraph 5.3 of the proposed policy).
- The principles to be applied by the Council in relation to the exchange of information with the Gambling Commission and other specified persons (see Part A, paragraph 6.2 of the proposed policy).
- The principles to be applied by the Council in relation to the inspection of premises and the institution of criminal proceedings (see Part A, section 7 of the proposed policy).

8.7 The Council is required when carrying out its licensing functions to have regard to guidance issued by the Gambling Commission. The Gambling Commission has issued Guidance for Licensing Authorities, 4th Edition, September 2012, which includes guidance on the preparation of statements of principles, including the content of such statements. The proposed policy appears to be consistent with the Commission's guidance. Particular reference is made to the following matters which the guidance states should be included in the gambling policy –

- The policy should begin by stating the three licensing objectives (see Part A, section 1 of the proposed policy).
- The policy should state that the authority will aim to permit the use of premises for gambling as set out in section 153 of the Gambling Act (see Part A, paragraph 1.3 of the proposed policy).
- The policy should include a firm commitment to avoid duplication with other regulatory regimes (see Part B, paragraph 4.1 of the proposed policy).
- The policy should specify factors the Council may take into account when considering applications for premises licences, permits and other permissions (see Part B of the proposed policy).
- The policy should specify matters the Council will consider relevant when determining whether to review a licence (see Part B, paragraph 16.1 of the proposed policy).

8.8 The adoption of the gambling policy is one of the functions which may not be the responsibility of the executive (see Regulation 4(3)(d)). The Council's Constitution reflects this requirement by including the gambling policy in the Council's budget and policy framework. Pursuant to Article 4.01 of the Council's Constitution it is for full council to approve the gambling policy.

8.9 When preparing revisions to its statement of licensing policy, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. Information is included in the report relevant to these considerations.

8.10 The gambling policy must be published for a period of 4 weeks before it takes effect. The Regulations specify the ways in which the policy is to be published and the information that must be included.

9. ONE TOWER HAMLETS CONSIDERATIONS

9.1 The Equalities Analysis Quality Assurance Checklist has been reviewed in respect of this policy and no adverse issues have been identified [Appendix 2]

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.1 There are no environmental impacts with regards to this policy.

11. RISK MANAGEMENT IMPLICATIONS

11.1 There are no risk management issues with the revised policy.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

12.1 One of the key licensing objectives is to prevent gambling from being a source of crime and disorder. The policy supports and assists with crime and disorder reduction by controlling those who are able to offer gambling to members of the public and imposing conditions on relevant premises licences.

13. EFFICIENCY STATEMENT

13.1 There are no efficiency issues relating to this report.

14. APPENDICES

Appendix 1 – Gambling Act 2005 –London Borough of Tower Hamlets
Gambling Policy

Appendix 2 – Equalities Analysis Quality Assurance Checklist

**Local Government Act 1972, section 100D
List of “Background Papers” used in the preparation of this report**

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
None	David Tolley, Head of Consumer and Business Regulations 0207 364 6724

Gambling Act 2005

**The London Borough of Tower Hamlets
Gambling Policy 2012 - 2017**

Summary of Local Authority Gambling Policy

1. Licensing local authorities in England and Wales have all been required by the Gambling Act 2005 to adopt a gambling policy following consultation.
2. The following policy was adopted after consultation, including but not confined to the consultation required by the legislation.
3. The policy has to be reviewed every three years and consequently it is now being sent out for a new round of consultation. Again the consultation will include but not be confined to the statutory consultation.
4. The policy sets out in detail how the licensing authority will discharge its licensing functions under the Gambling Act 2005.
5. There are three licensing objectives set out in the Act, as follows:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable people from being harmed or exploited by gambling
6. The main area of involvement for the licensing authority is protecting the vulnerable, and the licensing policy is largely devoted to seeking to achieve this, across the range of premises licences and permits which the authority will administer.
7. The licensing authority approach to enforcement is defined.
8. The scheme of delegation that defines the responsibility for decision making, administration and enforcement is also included.

Contents

Item	Page
Summary of Local Authority Gambling Policy	2
Contents	3
Part A	
1. The licensing objectives	4
2. Introduction	4
3. Declaration	5
4. Responsible Authorities	5
5. Interested parties	6
6. Exchange of information	7
7. Enforcement	7
8. Licensing authority functions	8
Part B - Premises licences and Other issues	
1. General Principles	10
2. Premises	10
3. Location	11
4. Duplication with other regulatory regimes and licensing objectives	11
5. Licensing Objectives	11
6. Conditions	12
7. Door Supervisors	15
8. Adult Gaming Centres	15
9. (Licensed) Family Entertainment Centres	16
10. Casinos	16
11. Bingo Premises	16
12. Betting Shops	17
13. Tracks	17
14. Travelling Fairs	19
15. Provisional Statements	20
16. Reviews	20
Part C – Permits / Temporary and Occasional Use Notices	
1. Unlicensed Family Entertainment Centre gaming machine permits	21
2. (Alcohol) Licensed premises gaming machine permits	22
3. Prize Gaming Permits	23
4. Club Gaming and Club Machines Permits	24
5. Temporary Use Notices	25
6. Occasional Use Notices	25
Part D – Scheme of Delegation	
1. Administration, Exercise and Delegation of Functions	26
2. Table of Delegations of Licensing Functions	27
Appendices	
Annex 1 - Map of the Borough showing where Gambling Premises licences issued	28
Annex 2 - A list of consultees	29
Annex 3 –Consultation responses	32
Annex 4 –Gambling Best Practice Guide	34

PART A

1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005, (the Act) licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable people from being harmed or exploited by gambling
- 1.2 The Gambling Commission's guidance emphasises that moral objections to gambling, or a view that it is generally undesirable are not licensing objectives and cannot inform any decisions by the licensing authority. Also neither public safety nor public nuisance are licensing objectives. These issues will largely be dealt with by the Council's Environmental Health Service
- 1.3 This authority recognises that in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:-
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives in accordance with the authorities statement of licensing policy

2 Introduction

- 2.1 The London Borough of Tower Hamlets is a single tier authority on the East side of inner London. The Borough is shown in the map in **Annex 1** where Gambling premises licences have been issued.
- 2.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re consulted upon. The statement must be then re-published.
- 2.3 Tower Hamlets Council has consulted widely upon its policy statement before finalising and publishing it. A list of the persons and organisations

consulted is provided in **Annex 2** of the Policy adopted by the Council. We have consulted businesses, elected representatives, community and third sector organisations and responsible authorities.

- 2.4 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 2.5 The consultation took place between 18th October 2012 and 30th November 2012. The results of the consultation are summarised in **Annex 3**
- 2.6 The policy has to be approved at a meeting of the Full Council published via our website as well as being available in the Town Hall and Idea Stores.
- 2.7 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 2.8 The Licensing Authority would like to encourage the highest standards within premises that hold a licence under the Gambling Act 2005. The Licensing Authority has produced a 'Gambling Best Practice Guide' to assist both new applicants and existing operators.
- 2.9 The list of recommended measures listed in **Annex 4** is not exhaustive but gives an indication of some of the suitable measures and procedures that are expected in well managed premises.

3 Declaration

- 3.1 In producing this licensing policy the Authority has had regard to the licensing objectives of the Gambling Act 2005 and the guidance issued by the Gambling Commission. The policy has also had regard to any responses from those consulted on the policy statement.

4 Responsible Authorities

- 4.1 The licensing authority is required to state the principles it will apply to designate a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group
- 4.2 In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board for this purpose. This is the statutory body charged with coordinating the activities of organisations in Tower Hamlets who are instrumental in safeguarding and promoting the welfare of children.
- 4.3 The contact details of all the responsible authorities are found on the Council's website at www.towerhamlets.gov.uk

5 Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. Interested parties are defined as a person who in the opinion of the licensing authority
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - b) has business interests that might be affected by the authorised activities,
 - c) represents persons who satisfy paragraph (a) or (b)
- 5.2 The licensing authority is required to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.
- 5.3 These principles are that :-
- Each case will be decided upon its merits.
 - This authority will not apply a rigid rule to its decision making.
 - It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.
 - It will also consider the Gambling Commission's advice that "business interests" should be given its widest possible meaning and includes partnerships, charities, faith groups, and medical practices.
- 5.4 The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act

2005 e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

5.5 Interested parties can be persons who are democratically elected, such as Councillors and MP's. Other than these persons, this authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorities activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

5.6 Individuals may wish to approach Councillors to ask them to represent their views. If Councillors take on a representative role they will not be able to be part of the decision making process. If they are a member of the Committee they will withdraw for the hearing.

6 Exchange of Information

6.1 Licensing Authorities have a number of responsibilities relating to the control and exchange of information that has been gained in carrying out its duties and responsibilities under the Act.

6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened.

6.3 The licensing authority will also have regard to any guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Any protocols that are adopted will be made available if requested.

7 Enforcement

7.1 Licensing authorities are required to state the principles to be applied by the authority in exercising the functions with respect to the inspection of premises; and the powers to institute criminal proceedings in respect of the offences committed under the Gambling Act 2005.

7.2 This Licensing Authority's general principles of enforcement are set out in its enforcement policy. In addition we will be guided by the Gambling Commission's Guidance for local authorities and we will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary; Remedies should be appropriate to the risk posed, and costs identified and minimised;

- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **Consistent:** rules and standards must be joined up and implemented fairly;
 - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
 - **Targeted:** regulation should be focused on the problem, and minimise side effects
 - **Avoid duplication** with other regulatory regimes so far as possible.
- 7.3 This licensing authority has, as recommended by the Gambling Commission's Guidance for local authorities, adopted a risk based inspection programme.
- 7.4 The local authority does expect that premises that are licensed are aware of and keep to the terms of their licence. The Authority will take appropriate enforcement action to ensure that this is the case, and is especially concerned to ensure that the licensing objective relating to children is met in full.
- 7.5 The main enforcement and compliance role for this licensing authority will be to ensure compliance with the Premises Licences and other permissions which is authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 7.6 This licensing authority also intends to monitor non-licensed gambling, and is especially concerned to stop non-destination gambling by children and young adults. Non destination gambling is where the destination is not primarily a gambling premises and is mainly visited for a different purpose. This typically (but not exclusively) involves gaming machines in premises open to the public such as public houses
- 7.7 This Licensing Authority will continue to keep informed of developments with the work from Central Government and sister organisations on the principles of Better Regulation Executive in its consideration of the regulatory functions
- 7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing department and on the Council's web site. Our risk methodology will also be available upon request. (A charge may be made for hard copies).
- 7.9 The authority recognises that bookmakers and other operators may have a number of premises within its area. In order to ensure that compliance

issues are recognised and dealt with at the earliest possible stage, operators are requested to give the authority a single named contact., who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise. The authority however, reserves the right to institute proceedings, or take other action as necessary and consistent with its general policies.

8 Licensing Authority Functions

8.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements ("in principle" licences where premises are not yet developed)
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs (Commercial Clubs are member clubs that operate on a "for profit" basis)
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres (Premises where low level gambling is permitted for children)
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Grant Licensed Premises Gaming Machine Permits for premises licensed to
- sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

8.2 This list may be added to on the advice of the Gambling Commission

8.3 Local licensing authorities will not be involved in licensing remote gambling. (Remote gambling is via the internet or interactive television). This will fall to the Gambling Commission via Operator Licences.

PART B - Premises Licences and other matters

1 General Principles

- 1.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

2 Premises

- 2.1 Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However it is possible for a single building to be subject to more than one premises licence provided they are for different parts of the building. Different parts of the building can reasonably be regarded as separate premises will always be a question of fact in the circumstances. However areas of a building that is artificially or temporarily separate can be properly regarded as different premises.
- 2.2 This licensing authority will take particular note of the Gambling Commission’s Guidance to local authorities that: -
- "Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not “drift” into a gambling area"
 - "Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed), especially if this raises issues in relation to children. There will be specific issues that authorities should consider where children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act."
- 2.3 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to “the premises” are to the

premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

3 Location

- 3.1 This licensing authority is aware that demand issues (for example whether or not there is sufficient customer demand to make a site commercially viable) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In line with the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 3.2 It is the licensing authorities' view that premises should not normally be licensed which are close to schools, playgrounds, or other educational establishments such as museums. However any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

4 Duplication with other regulatory regimes and licensing objectives

- 4.1 This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This authority will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

5 Licensing Objectives

- 5.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.
- 5.2 *Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.*
This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.

The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions. These will be addressed by the relevant regulatory authority e.g. Environmental Health.

- 5.3 Ensuring that gambling is conducted in a fair and open way. This licensing authority has noted that ensuring that gambling is conducted in a fair and open way is a matter for the Gambling Commission. This will not be the case if the licensing authority becomes involved in licensing betting track operators.
- 5.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling. This licensing authority has noted the Gambling Commission Guidance to local authorities that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas.
- 5.5 This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.
- 5.6 As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

6 Conditions

- 6.1 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises: and
 - reasonable in all other respects.
- 6.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures, this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas.
- 6.3 There are specific comments made in this regard under each of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively. The licensing authority will consider the following specific measures in relation to all licensed premises, to the extent that they are relevant to a specific application:
- Leaflets aimed at giving assistance to problem gamblers clearly displayed in prominent areas and also more discreet areas such as toilets
 - Self exclusion forms available
 - The odds clearly displayed on all fixed odds machines
 - All ATM or other cash terminals to be separate from gaming machines, so that clients have to leave the machines for more funds as required. They should also display stickers with GamCare (or replacement organisation) Helpline information prominently displayed.
 - There must be clear visible signs of any age restrictions in any gaming or betting establishments. Entrances to gambling and betting areas must be well supervised and age verification vetting operated.
 - Posters with details of GamCare's (or replacement organisation) telephone number and website

The above list is not exhaustive.

- 6.4 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of Gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises

in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

- 6.5 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 6.6 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 6.7 This licensing authority is aware that betting tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 6.8 It is recognised that there are conditions which the licensing authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
 - conditions in relation to stakes, fees, winning or prizes
 - Applicants will however need to demonstrate social responsibility and adhere to best practice in the protection of the vulnerable

7 Door Supervisors

- 7.1 The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.
- 7.2 The Private Security Industry Act 2001 exempts door supervisors for casinos and bingo halls from requiring a Door Supervisors Licence. Irrespective of the provision this authority will require door supervisors used at these premises to be licensed.
- 7.3 For other premises, where supervision of entrances/machines is appropriate any requirements for door supervisors or others will be on a case by case basis. In general betting offices will not require door supervisors for the protection of the public. A door supervisor will only be required if there is clear evidence that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

8 Adult Gaming Centres

- 8.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

Appropriate licence conditions may cover issues such as:

- Proof of age schemes
 - CCTV
 - Door supervisors
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets/ helpful numbers for organisations such as GamCare
- 8.2 This list is neither mandatory nor exhaustive, and is merely indicative.

9 (Licensed) Family Entertainment Centres:

9.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self barring schemes
- Provision of information leaflets/ helpful numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

9.2 This list is not mandatory, nor exhaustive, is it merely indicative.

9.3 This licensing authority will, in accordance with the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C. Category C machines give a higher payout than children are permitted to use should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

10 Casinos

10.1 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. The resolution will be a resolution of the Full Council, following considered debate, and the reasons for making the resolution will be given at the time.

11 Bingo premises

11.1 This licensing authority recognises that the Gambling Commission's Guidance states:

"It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that::

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18."

11.2 This licensing authority is aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this licensing authority once it is made available.

12 Betting Premises

12.1 Betting Machines - This licensing authority will have regard to the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

13 Tracks – (This section refers to where racing takes place, such as horse or greyhound racing) and other matters

13.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

- 13.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided
- 13.3 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare
- 13.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 13.5 Gaming machines - Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use their entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young people are not prohibited from playing category D gaming machines on a track.
- 13.6 Betting machines - This licensing authority will, having regard to the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number /nature / circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing

authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

- 13.7 Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that “licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”
- 13.8 Applications and plans - This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission’s suggestion “To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.” And that “Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.”
- 13.9 This licensing authority also notes that in the Commission’s view that it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

14 Travelling Fairs

- 14.1 It will fall to this licensing authority to decide whether, and where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, provided that the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 14.2 The licensing authority will expect applicants to show how they will meet the licensing objectives, in particular in relation to children and young persons.
- 14.3 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

14.4 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

15 Provisional Statements ("in principle" licences where premises are not yet developed)

15.1 This licensing authority notes the Guidance for the Gambling Commission which states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could if necessary inspect it fully".

15.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

15.3 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters: -

(a) which could not have been raised by objectors at the provisional licence stage; or

(b) which is in the authority's opinion reflect a change in the operator's circumstances.

16 Reviews:

16.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;

- reasonably consistent with the licensing objectives; and
- in accordance with the authority’s statement of licensing policy.
- The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART C - Permits / Temporary & Occasional Use Notice

1 Unlicensed Family Entertainment Centre Gaming Machine Permits

- 1.1 Where premises do not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use
- 1.2 A licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission
- 1.3 The Gambling Commission’s Guidance for local authorities also states: “In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permit. Licensing authorities will want to give weight to child protection issues.”
- 1.4 Guidance also states: “An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centres, and if the chief officer of police has been consulted on the application. Licensing authorities might wish to consider asking applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
 - that the applicant has no relevant convictions and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 1.5 It should be noted that a licensing authority cannot attach conditions to this type of permit.

- 1.6 Statement of Principles - This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. Location will also be expected to be dealt with, and it is the licensing authorities view that premises should not normally be licensed which are close to schools, playgrounds, or other educational establishments such as museums and places of worship.
- 1.7 This licensing authority will also expect that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres; that the applicant has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

2 (Alcohol) Licensed premises gaming machine permits

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. Full definitions of the Gaming Machine Categories can be found on the Councils website; www.towerhamlets.gov.uk. The premises merely need to notify the licensing authority. In relation to all applications the licensing authority will use nationally recommended forms from LACORS as far as possible. The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.

- 2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant..” The licensing authority will require that an application for more than two machines is considered against the above and the matters in 2.3 below before it is granted or refused.
- 2.3 This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be help.
- 2.4 As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 2.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.6 The licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for conditions (other than these) cannot be attached.
- 2.7 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3 Prize Gaming Permits

- 3.1 The licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

- 3.2 This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - and that the gaming offered is within the law.
- 3.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

4 Club Gaming and Club Machines Permits

- 4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.
- 4.2 A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 4.3 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working

men's clubs, branches of Royal British Legion and clubs with political affiliations.”

4.4 The Commission Guidance also notes that “licensing authorities may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- b) the applicant's premises are used wholly or mainly by children and/or young persons;
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Commission or the police.

4.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: “Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced.” And “The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.”

4.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5 Temporary Use Notices

5.1 The granting of a temporary use notice allows premises without a premises licence to be used by a gambling operator temporarily to provide facilities for gambling

- 5.2 Licensing authorities are being asked to be mindful of the restrictions that allow premises to be licensed for at the most 21 days per year under Temporary Use Notices
- 5.3 It is possible to licence part of a building or set of premises if the location can be rightfully regarded as being separate in terms of ownership, occupation and control.
- 5.4 This authority will object to a Temporary Use Notice application if it appears that regular gambling is taking place in locations that could be described as one set of premises.

6 Occasional Use Notices

- 6.1 Occasional Use Notices relate to occasional "track" uses. Betting Track is usually thought of as horse or dog racing. These notices will be for events like point to points on agricultural land.
- 6.2 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

PART D

1 Administration, Exercise and Delegation of Functions

- 1.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 1.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 1.3 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications where no representations have been made has been delegated to Council Officers. All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting. The decisions cannot be reversed.
- 1.4 The following Table sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.

- 1.5 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

1 TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	BY WHOM
Three year licensing policy (responsibility shared with Cabinet) Policy to permit or not to permit casinos	THE FULL COUNCIL
Fee Setting- (but when appropriate Corporate Director) Application - for a premises licence, variation of a premises licence, transfer of a premises licence, application for a provisional statement in connection with a premises, in all cases where representations have been received and not withdrawn. Review- of a premises licence. Application for, or cancellation of club gaming /club machine permits where representations have been received and not withdrawn Decision to give a counter notice to a temporary use notice	LICENSING COMMITTEE/ SUB-COMMITTEE
For a premises licence, variation of a premises licence, transfer of a premises, application for a provisional statement in connection with a premises, in all cases where no representations have been received/ or representations have been withdrawn. Application for a club gaming machine/ club machine permit where no representations received/ representations have been withdrawn. Applications for other permits Cancellation of licensed premises gaming machine permits Consideration of temporary use notice	OFFICERS

Annexes

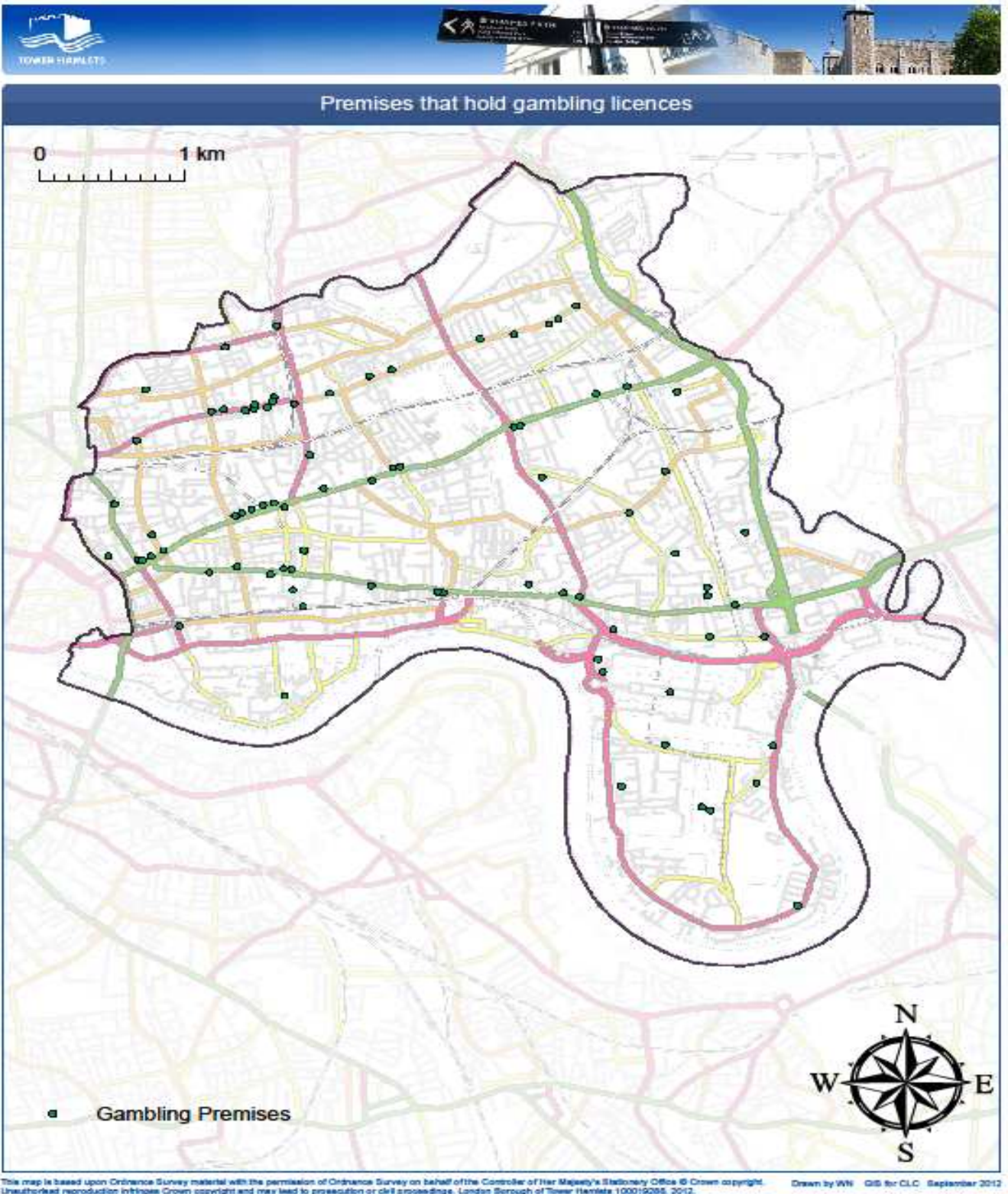
Annex 1 Map of London Borough of Tower Hamlets showing where Gambling Premises Licences have been issued

Annex 2 Details of those consulted.

Annex 3 Results of Consultation

Annex 1

Map of Tower Hamlets showing Gambling Premises Licences issued



Annex 2

List of consultees:

Authorities/Bodies

The Gambling Commission
Metropolitan Police Service
Her Majesty's Revenue & Customs
Directorate of Development & Renewal
London Fire & Emergency Planning Authority
c/o The Maritime & Coastguard Agency
Jane Cook CPRS Unit
British Waterways Board
The Environment Agency
NSPCC
Tower Hamlets Primary Care Trust
Young Mayor and Youth Panel
Inter Faith Forum
Schools
Adults Safeguarding Board
Community Safety Partnership

Gambling Support Services

GamCare
Gamblers Anonymous
Responsibility in Gambling Trust

Businesses

Agora Betting (UK) Ltd
Arcade Shop
Bet Share Racing
Betex
Betfred Ltd
Better
Betting Shop Services Ltd
Canary Wharf Sports Exchange Ltd
Carousel Amusements
Cashino
Collins Bookmakers
Coral Racing Ltd
Frankice (Golders Green) Ltd
Gala Coral Group
Gold Room

Grove Leisure Ltd
Joe Jennings Bookmakers Ltd
Ladbrokes Betting & Gambling Ltd
Leisure World (UK) Ltd
Lucky 8 Limited
Paddy Power Limited
Quicksilver Limited
Roar Betting
Roma
Shirt Hot Limited
Talarius Ltd
Tote Bookmakers
TWL Holdings Limited
Two Way Media Ltd
William Claridge Ltd
William Hill Organisation Ltd

Licensing Committee Members

Cllr Carli Harper-Penman
Cllr Rajib Ahmed
Cllr Khales Uddin Ahmed
Cllr Lutfu Begum
Cllr Mizanur Chaudhury
Cllr Marc Francis
Cllr Peter Golds
Cllr Sirajul Islam
Cllr Denise Jones
Cllr Gulam Robbani
Cllr Amy Whitelock
Cllr David Snowdon

Housing Associations

A 2 Dominion Housing
Eastend Homes
Gateway Housing
Mitali Housing Association
One Housing Group
Poplar Harca
Peabody Housing Association
Spitalfields Housing Association
Tower Hamlets Community Housing
Tower Hamlets Homes
Oxford House
Industrial Dwellings Society
Karin Housing Association

Look Ahead Housing Care
Newlon
Old Ford Housing Association
Peter Bedford Housing Association
Reside Housing Association Ltd
South Poplar and Limehouse Action for Secure
Housing
St Margarets House Settlement
The Kipper Project

Annex 3

Consultation Comments

Consulted	Comment	Response
Lee Daly Old Ford Housing Association	The policy is comprehensive and covers all areas of concern	Noted Action: None
Chris Lovitt NHS Tower Hamlets	A review has been undertaken by NHS Tower Hamlets in relation to problem gambling. The main points made covered: Monitoring Gambling premises, monitoring advertising, assessing the impact on the quality of life, foster a research agenda, adopt harm reduction via health authorities intervention.	NHS Tower Hamlets provided a comprehensive review of macro issues relating to gambling. The majority of issues covered were out of the scope of the Policy however, agreement has been made for the Council and public Health to review and work to an agreed agenda to address some of the issued outlined in the response. Action: Monitoring of Gambling premises is part of the Service Planning process.
Jane Cooke – Child Protection Reviewing Service	Should there be a definition of ‘close to schools. Playgrounds or other educational establishments such as museums and places of worship’	The Gambling Commission Policy requires children and vulnerable groups to be considered only. The licence consultation process could be restrictive if specific distances were imposed. Any application that has an representation made against it will be referred to the Licensing Sub-Committee
John Rutherford Adult Safe Guarding Board	The major issue from our perspective would be having safeguards that protect adults without	Noted: the policy requires vulnerable groups to be protected.

	mental capacity from getting into situations of financial difficulties	
Member Consultation	Good Practice Guide for businesses to follow	Introduction of Annex 4 the Gambling Best Practice Guide

Annex 4: Gambling Best Practice Guide

We expect all Gambling premises in the Borough to carry out the measures listed in this Best Practice Guide along with the measures detailed in the main Policy. This guide is about businesses that promote gambling have the responsibility in protecting the vulnerable who may be exposed by their activities.

- All premises to hold and maintain a log of incidences and the handling of problem gambling that occur in the premises. This information should be shared with Licensing Officers on request. Relevant data that should be held include the date and a short description of the intervention in relation to voluntary/mandatory exclusions and whether individuals have tried to gain entry, attempts of those that are underage to gain entry whether with an adult or not. Any incident requiring an intervention from staff
- Staff should be aware on how to tackle irresponsible gambling and have sufficient knowledge on how to promote responsible gambling. Be able to signpost customers to support services with respect to problem gambling, financial management and debt advice. Leaflets on how to identify problem gambling should available for customers in the premises.
- Staff should be aware of the importance of social responsibility, the causes and consequences of problem gambling, intervention with vulnerable persons, dealing with the exclusion of problem gamblers and escalating them for advice or treatment.
- Staff should be aware of refusing customers entry due to alcohol or drugs, age verification processes, identifying forged ID, the importance of time and spend limits
- Staff to be familiar with the offences under the Gambling Act, the categories of gaming machines, the stakes and odds associated with each machine.
- Staff should also be aware of not encouraging customers to increase the amount or time they gamble, re-gamble winnings and chase losses.
- Staff to be excluded from gambling at the premises where they are employed and the premises to have a 'no tipping' rule.
- Applicants may wish to seek support with their applications from the Crime Reduction Officer and GamCare with a view to obtaining a certificate of Social Responsibility.
- Where Fixed Odds Betting Terminals are installed within the premises they should be positioned in direct sight of a supervised counter.

EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

Name of 'proposal' and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)	Gambling Policy Review
Directorate / Service	CLC, Safer Communities, Consumer and Business Regulations
Lead Officer	David Tolley
Signed Off By	

Stage	Checklist Area / Question	Yes / No / Unsure	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Yes	<p>This report presents a draft gambling policy, replacing the existing gambling policy. Under the Gambling Act 2005, all local authorities in England and Wales are required to adopt a gambling policy following consultation and the policy has to be reviewed every three years. A consultation was undertaken between 18 October and 29 November 2012 and no changes from the existing policy published on 9 December 2009 have been made for the draft.</p> <p>The policy covers the following:</p> <ul style="list-style-type: none"> How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.

			<ul style="list-style-type: none"> • The main licensing objective for the authority is protecting the vulnerable. • The Licensing Authority approach to regulation • The scheme of delegation. <p>Major concerns about gambling, including gambling addiction and arguments of a more liberal gambling regime, are not addressed in the policy. The impact of licensed premises on nearby residents, such as noise, is also out of scope.</p>
b	<p>Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?</p>	Yes	<p>This policy sets out how the licensing authority will discharge its licensing functions under the Act, including how to be responsible for the licensing of premises where gambling activities are taking place by issuing Premises Licenses. Businesses who apply for a licence and those who have received licences will be affected by the policy. 80 licences have been issued primarily to betting shops and adult amusement arcades and those businesses are nearly all national companies.</p> <p>The policy stipulates that those who live and have businesses in close proximity can make representations about licence applications, or apply for a review of an existing licence.</p> <p>The licensing objectives include protecting children and the vulnerable, including 'people may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.'</p> <p>The policy acknowledges a possibility of the impact on children and the vulnerable and proposes ways of mitigation. One of the licensing objectives is to protect children and other vulnerable people from being harmed or exploited by gambling, i.e. preventing them from taking part in gambling. The policy states that appropriate measures to protect them include supervisions of entrances/machines and segregation of areas. The Gambling Best Practice Guide for business</p>
c	<p>Is there a narrative in the proposal where NO impact has been identified? Please note – if a Full EA is not to be undertaken based on the screen or the fact that a proposal has not been 'significantly' amended, a narrative needs to be included in the proposal to explain the reasons why and to evidence due regard</p>	Yes	

			was introduced in order to strengthen policy specific to the protection of vulnerable groups. This report presents a draft gambling policy, replacing the existing gambling policy. As the current policy continues to address all relevant priorities within the statutory scope of the exercise and it has been operating effectively, no further changes are proposed to the current policy with the exception to the introduction of the Best Practice Guide and widening consultees.
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	Yes	The ward level equalities data are available. The Development and Renewal (D&R) directorate have corporate lead responsibility for Business related data capture and are currently reviewing the technical challenges to developing an equalities strand of their business data base. The Council's consumer and business regulations team have led the work. The Council's consumer and business regulations team have led the work.
b	Is there sufficient evidence of local/regional/national research that can inform the analysis?	Yes	The Council's consumer and business regulations team have led the work.
c	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis? Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	Consultation of a draft proposal was held between 18 October and 30 November 2012.
3	Assessing Impact and Analysis		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	Yes	There are reliable data regarding the profile of residents in the Borough. The objectives of the policy include protecting children and the vulnerable from being harmed or exploited by gambling. The policy specifies ways of the protection of children and the vulnerable, including supervision of entrances/machines and
	Is there a clear understanding of the way in which proposals applied in the same way can have unequal	Yes	

	impact on different groups?		segregation of areas and the service introduced the Gambling Policy Best Practice Guide for businesses to strengthen policy specific to the protection of vulnerable groups.
b	Has the assessment sufficiently considered the three aims of the Public Sector Equality Duty (PSED) and OTH objectives?	Yes	The licensing objectives include preventing gambling from being a source of crime or disorder and to protect children and other vulnerable people from being harmed or exploited by gambling. Through the implementation, this policy will help prevent further inequalities among children and young people.
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	NA	
b	Are all actions SMART (Specific, Measurable, Achievable, Relevant and Time Bounded)	NA	
c	Are the outcomes clear?	Yes	This plan's objectives are: 1) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime; 2) ensuring that gambling is conducted in a fair and open way, and; 3) protecting children and other vulnerable people from being harmed and exploited by gambling.
d	Have alternative options been explored	NA	
6	Quality Assurance and Monitoring		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	The licensing authority has power to decide whether a review of a premises license is to be carried out.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics??	NA	
7	Reporting Outcomes and Action Plan		
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	NA	
8	Sign Off and Publication		
a	Has the Lead Officer signed off the EA? Please note – completed and signed off EA and	Yes	

	Quality Assurance checklists to be sent to the One Tower Hamlets team		
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Any other comments		
	Signature	Date

Please keep this document for your records and forward an electronic version to the One Tower Hamlets Team

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Agenda Item 9.2

Committee : Council	Date 17 th April 2013	Classification Unclassified	Report No.	Agenda Item No.
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Report of Corporate Director Communities Localities and Culture Assistant Chief Executive (Legal Services) Originating Officers: Stephen Murray, Head of Arts & Events Paul Greeno, Senior Advocate	Title Queen Elizabeth II Olympic Park – Proposed Byelaws Ward affected Bow East
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1. Summary

- 1.1 The report deals with proposals for byelaws to cover the Queen Elizabeth Olympic Park following handover of the park in 2013 to the London Legacy Development Corporation. The area of the Queen Elizabeth Olympic Park straddles Newham, Hackney, Tower Hamlets and Waltham Forest and each authority has been asked to make identical Byelaws in relation to Parks and Open Spaces and Public Conveniences.
- 1.2 Byelaws are local laws designed to address potential problem behaviours in a way that complements rather than duplicates existing legislation and it is considered that these Byelaws will assist in ensuring acceptable behaviour in the park so that residents and visitors are able to fully enjoy the park.
- 1.3 The proposed New Byelaws were presented to the General Purposes Committee (GPC) on 27th March 2013. The Council's constitution requires that GPC recommends to Full Council any proposed changes to the Byelaws. Since the report went to GPC, no changes have been made to the Byelaws.

2. Recommendations

Full Council is recommended to –

- 2.1 Approve the making of the two sets of byelaws for Queen Elizabeth II Olympic Park which are set out in Appendix 1 and Appendix 2.

3. BACKGROUND

- 3.1 The area of the Queen Elizabeth Olympic Park straddles Newham, Hackney, Tower Hamlets and Waltham Forest. Park boundaries and the boundaries of each London borough are shown in Appendix 3.
- 3.2 The Queen Elizabeth Olympic Park will reopen to the public in phases following the Olympic Games. The first part of the Park will reopen on the 27th July 2013, followed by further phased opening on the 31st December 2013 and finally all Park areas will be open to the public from 31st March 2014.
- 3.3 The London Legacy Development Corporation (LLDC) will have a freehold or leasehold interest in most of the land in the Park. As much of the park will be open to the public, the LLDC considers that byelaws and dog control orders to cover the Park, as would be usual as part of the management of a public park, are essential to ensure appropriate behaviour and use of the Park by the public.
- 3.4 The LLDC does not have powers to make byelaws. Accordingly, the LLDC have sought cooperation from Tower Hamlets and the other relevant public authorities with the power to make byelaws for the Park. The LLDC would like each authority to make byelaws in identical form, to assist with the future management of the Park.
- 3.5 The area within Waltham Forest is governed by byelaws made by Lee Valley Regional Park Authority and therefore they are unaffected by these proposals. The Lee Valley Regional Park Authority and British Waterways Board also have byelaw making powers and have already made byelaws which will govern part of the Park.
- 3.6 The majority of the park is located within Newham and it was originally considered whether it may be possible for Hackney and Tower Hamlets to delegate their byelaw making powers to Newham, thus enabling Newham to make byelaws for the entire park. This was rejected however and the three (3) authorities have agreed to make byelaws in identical form to cover the Park.
- 3.7 There are two (2) sets of byelaws which Tower Hamlets are being asked to make that are relevant to management of the Park. These are:
- Byelaws for pleasure grounds, public walks and open spaces
 - Byelaws for public toilets
- 3.8 These byelaws exist in model form and, provided the Council makes the byelaws in line with the models, which is what is proposed, the Secretary of State's consent should be obtained without delay.
- 3.9 The process for making byelaws is briefly as follows:-

- Consultation with interested groups and representatives
- Form of bye law approved by Full Council
- Notice in newspaper (30 days)
- Byelaws submitted to Secretary of State for confirmation
- Byelaws come into effect on the date fixed by the Secretary of State when they are confirmed

3.10 The Secretary of State will confirm byelaws where he is satisfied that they are within the Local Authority's powers, do not conflict with any other law and the nuisance merits criminal sanctions and addresses a genuine problem. For this reason model byelaws have been produced which are in a form generally sufficient to enable good rule and management of parks and open spaces.

3.11 The preliminary consultation for the Queen Elizabeth Olympic Park Byelaws ran for a two-week period from 22nd October – 6th November 2012. The groups and organisations consulted were as follows –

Organisations consulted

- The Diocese of London
- The Crown Estates
- National Council for Metal detecting
- British Model Flying Association
- Canal and River Trust
- Tower Hamlets Wheelers
- Ramblers

Equalities Groups/organisations

- Tower Hamlets Accessible Transport Forum
- Interfaith Forum
- New Residents and Refugee Forum
- Rainbow Hamlets
- Real (user-led organisation for people with disabilities)
- Age UK Tower Hamlets
- Older People's Reference Group
- Carer Forum and Mental Health Carer Forum
- Deaf Plus
- Royal London Society for Blind People

Sports Groups

- Tower Hamlets Football Partnership
- Tower Hamlets Sports Council
- Tennis Development Group
- Bowls Group
- Athletics Development Group

- Cricket Development Group
- 3.12 Comments have been received from British Model Flying Association; Tower Hamlets Sports Council; and Real. There were no objections to the Byelaws being made by those groups. An issue was raised about dog control, which will be addressed in Dog Control Orders.
- 3.13 Consultation with the public will take place after the Council has made and sealed the Byelaws but prior to an application to DCLG for approval of Byelaws.
- 3.14 The General Purposes Committee considered the Byelaws on 27 March 2013 and recommends that the Council makes them.

4. **ENFORCEMENT**

- 4.1 There will be three (3) levels of enforcement. Firstly, the primary “enforcement” role will be undertaken by security employed by LLDC. The intention by LLDC will be to employ 51 security staff. These will be working in shifts 24/7. These officers will not have enforcement powers but will be the first line in terms of nipping any issues in the bud. This will be by way of an informal chat. The security staff will however also monitor anti-social behaviour and gather evidence of hot spot areas where such behaviour is taking place. This would then escalate to the second level of enforcement.
- 4.2 Secondly, the LLDC have been in discussion with the Metropolitan Police and the park will have a dedicated “Safer Parks Team” of Police similar to the Safer Neighbourhood Teams. These officers will report persons for breach of Byelaws and/ or other offences where appropriate.
- 4.3 The third level of enforcement is where they will call on local authority enforcement officers to conduct special exercises should this be necessary. In that event they would meet our costs associated with the exercise. Any enforcement by the Council of the Byelaws will be in accordance with the Council’s enforcement policy, adopted by Cabinet on 8 September 2010. The policy sets out the following clear principles for the Council’s enforcement action:

raising awareness of the law and its requirements;
proportionality in applying the law and securing compliance;
consistency of approach;
transparency about the actions of the Council and its officers; and
targeting of enforcement action

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

5.1 This report seeks the approval of Council to the making of the two sets of byelaws for Queen Elizabeth II Olympic Park. There are no direct financial implications emanating from the recommendation in this report.

6. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

6.1 The Council has power under section 235 of the Local Government Act 1972 to make byelaws for –

- The good rule and government of the whole or part of the borough.
- The prevention and suppression of nuisances in the borough.

6.2 The Council has additional powers to make byelaws –

- For the regulation of public walks or pleasure grounds under section 164 of the Public Health Act 1875.
- For the regulation of open spaces for which it has acquired control under the Open Spaces Act 1906 and for the days and times of admission to such spaces and for the preservation of order and prevention of nuisances in those spaces.

6.3 Section 236 of the Local Government Act 1972 sets out the current procedure for making byelaws. Byelaws must be made under the Council's seal, but do not take effect until they are confirmed by the Secretary of State. Before applying for confirmation, the Council must: give notice of its intention to apply for confirmation in a newspaper circulating in the borough; and must make a copy of the proposed byelaws available for public inspection at the Council's offices. If a person requests a copy of the byelaws, the Council must make one available (for which the Council may charge a fee not exceeding 10p per hundred words).

6.4 In order to obtain confirmation, the Council must submit an application to the Department of Communities and Local Government ("DCLG"). The Secretary of State may either confirm or refuse to confirm any byelaw submitted for confirmation under section 236 of the 1972 Act. The Secretary of State may fix a date on which the byelaws come into effect, but if he does not specify a date the byelaws come into effect one month from the date of its confirmation.

6.5 The DCLG has indicated that in considering an application for confirmation, the points on which it will concentrate are as follows –

- that the byelaws are *intra vires* the relevant legislation and that any action required by the legislation, such as consultation with a named public body, has been taken;
- that they do not duplicate or conflict with the general law, existing byelaws or any local Act, or common law;
- that the nuisance they address merits criminal sanctions and that, to a reasonable person, the penalty available is proportionate;
- that they directly address a genuine and specific local problem and do not attempt to deal in general terms with essentially national issues; and
- that they do not conflict with Government policy.

6.6 The DCLG has published model byelaws which set out what the Government considers to be appropriate wording. Byelaws which exactly follow a model will in most cases satisfy the considerations set out above.

6.7 The making and revoking of byelaws is a matter for full Council. This is confirmed in Article 4.02(j) of the Council's constitution. The Council's constitution gives the General Purposes Committee (GPC) responsibility for recommending to Full Council the making of byelaws.

7. ONE TOWER HAMLETS CONSIDERATIONS

7.1 Recent studies by the Commission for Architecture and the Built Environment (CABE) suggested that providing good quality local green space is a very effective way to tackle inequality. People living in deprived urban areas view green space as a key service and one of the essentials in making a neighbourhood liveable.

7.2 When people were asked if they experienced any barriers to using their local green spaces, the biggest single barrier to accessing urban green space was safety. This was expressed both in terms of the physical environment and the perceived threat of others. Around a third of people reported they would use urban green space more if safety were improved.

7.3 Therefore, effective enforcement of Byelaws and other supporting legislation within the borough's parks and open spaces has the potential to improve the experience of park users and increase use by the community.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 Byelaws are designed to protect parks and open spaces and the plants and wildlife within them. Effective implementation of the Byelaws will help to ensure access to nature for everyone in the borough.

9. RISK MANAGEMENT IMPLICATIONS

9.1 The principal risk would be ensuring that the New Byelaws are publicised and enforced effectively from date of implementation. This risk will be minimised once the issue on Enforcement has been resolved with LLDC.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 The New Byelaws will support improved enforcement and community engagement specific to behaviour in the Queen Elizabeth Olympic Park. For this reason they will play their part in helping to drive down crime, littering and vandalism which in turn will help dealing with crime. They will also help to increase the use of the park by reducing fear of crime and ASB levels helping to promote a healthier, happier and more cohesive community. This will have efficiency benefits for adult social care and public health costs by keeping people healthier and more active for longer.

11. EFFICIENCY STATEMENT

11.1 Included in 10 above.

12. APPENDICES

Appendix 1 – Proposed Byelaws for Parks & Open Spaces

Appendix 2 – Proposed Byelaws for Public Toilets

Appendix 3 – Map showing the Park boundaries and the boundaries of each borough

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

Brief description of “back ground papers”	Name and telephone number of holder and address where open to inspection.
None	N/A

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LONDON BOROUGH OF TOWER HAMLETS
**BYELAWS FOR PLEASURE GROUNDS, PUBLIC
WALKS AND OPEN SPACES**

ARRANGEMENT OF BYELAWS

PART 1
GENERAL

1. General interpretation
2. Application
3. Opening times

PART 2
PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

4. Protection of structures and plants
5. Unauthorised erection of structures
6. Climbing
7. Grazing
8. Protection of wildlife
9. Gates
10. Camping
11. Fires
12. Missiles
13. Interference with life-saving equipment

PART 3
HORSES, CYCLES AND VEHICLES

14. Interpretation of Part 3
15. Horses
16. Cycling
17. Motor vehicles
18. Overnight parking

PART 4
PLAY AREAS, GAMES AND SPORTS

- 19. Interpretation of Part 4
- 20. Children's play areas
- 21. Children's play apparatus
- 22. Skateboarding, etc
- 23. Ball games
- 24. Ball games - Rules
- 25. Cricket
- 26. Archery
- 27. Field sports
- 28. Golf

PART 5
WATERWAYS

- 29. Interpretation of Part 5
- 30. Bathing
- 31. Ice skating
- 32. Model boats
- 33. Boats
- 34. Fishing
- 35. Pollution
- 36. Blocking of watercourses

PART 6
MODEL AIRCRAFT

- 37. Interpretation of Part 6
- 38. Model aircraft

PART 7
OTHER REGULATED ACTIVITIES

- 39. Provision of services
- 40. Excessive noise
- 41. Public shows and performances
- 42. Aircraft, hang-gliders and hot air balloons
- 43. Kites

44. Metal detectors

PART 8
MISCELLANEOUS

45. Obstruction

46. Savings

47. Removal of offenders

48. Penalty

SCHEDULE - Rules for playing ball games in designated areas

Byelaws made under section 164 of the Public Health Act 1875 by the London Borough of Tower Hamlets with respect to the Queen Elizabeth Olympic Park.

PART 1

GENERAL

General Interpretation

1. In these byelaws:

“the Council” means the London Borough of Tower Hamlets;

“the ground” means the Queen Elizabeth Olympic Park;

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

Application

2. These byelaws apply to the Queen Elizabeth Olympic Park.

Opening times

3. No person shall enter or remain in the ground except during advertised opening hours.

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

4. (1) No person shall without reasonable excuse remove from or displace within the ground:
 - (a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
 - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall walk on or ride, drive or station a horse or any vehicle over:
 - (a) any flower bed, shrub or plant;
 - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
 - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

Unauthorised erection of structures

5. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

Climbing

6. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

Grazing

7. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

Protection of wildlife

8. No person shall without the consent of the Council kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

Gates

9. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.

- (2) Byelaw 9(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

Camping

10. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping except in a designated area for camping.

Fires

11. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.

(2) Byelaw 11(1) shall not apply to:
 - (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit;

Missiles

12. No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

Interference with life-saving equipment

13. No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

PART 3

HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

14. In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

Horses

15. (1) No person shall ride a horse except in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted by virtue of a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

16. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles or on a designated route for cycling.

Motor vehicles

17. (1) No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way or a designated route for that class of vehicle.
- (2) Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route.

Overnight parking

18. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10 p.m. and 6 a.m..

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

19. In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

Children’s play areas

20. No person aged 14 years or over shall enter or remain in a designated area which is a children’s play area unless in charge of a child under the age of 14 years.

Children’s play apparatus

21. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

Skateboarding, etc

22. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Ball games

23. No person shall play ball games outside a designated area for playing ball games in such a manner:

- (a) as to exclude persons not playing ball games from use of that part;
- (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
- (c) which is likely to cause damage to any tree, shrub or plant in the ground.

Ball games - Rules

24. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in the Schedule and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

Cricket

25. No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket.

Archery

26. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

Field sports

27. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council.

Golf

28. No person shall drive, chip or pitch a hard golf ball.

PART 5
WATERWAYS

Interpretation of Part 5

29. In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool or other body of water and includes any fountain.

Bathing

30. No person shall without reasonable excuse bathe or swim in any waterway.

Ice skating

31. No person shall step onto or otherwise place their weight upon any frozen waterway.

Model boats

32. No person shall operate a power-driven model boat on any waterway except in a designated area for model boats.

Boats

33. No person shall sail or operate any boat, dinghy, canoe, sailboard or inflatable on any waterway without the consent of the Council except in a designated area for the sailing or operation of boats.

Fishing

34. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals except in a designated area for fishing.

Pollution

35. No person shall foul or pollute any waterway.

Blocking of watercourses

36. No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

PART 6
MODEL AIRCRAFT

Interpretation of Part 6

37. In this Part:

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

Model aircraft

38. No person shall cause any power-driven model aircraft to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
- (b) land in the ground without reasonable excuse.

PART 7

OTHER REGULATED ACTIVITIES

Provision of services

39. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

Excessive noise

40. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:
- (a) shouting or singing;
 - (b) playing on a musical instrument; or
 - (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.
- (2) Byelaw 41(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

41. No person shall without the consent of the Council hold or take part in any public show or performance.

Aircraft, hang gliders and hot air balloons

42. No person shall except in case of emergency or with the consent of the Council take off from or land in the ground in an aircraft, helicopter, hang glider or hot air balloon.

Kites

43. (1) No person shall fly a kite except in a designated area for flying kites.
- (2) No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

Metal detectors

44. (1) No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

PART 8

MISCELLANEOUS

Obstruction

45. No person shall obstruct:
- (a) any officer of the Council in the proper execution of his duties;
 - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - (c) any other person in the proper use of the ground.

Savings

46. (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.
- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

Removal of offenders

47. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable. The Council has the power of arrest in circumstances where they are not able to ascertain details of an offender.

Penalty

48. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale. In any proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

SCHEDULE

RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW 24)

Any person using a designated area for playing ball games is required by byelaw 24 to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.
- (2) No person shall obstruct any other person who is playing in accordance with these rules.
- (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
- (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.

LONDON BOROUGH OF TOWER HAMLETS

BYELAWS FOR PUBLIC TOILETS

ARRANGEMENT OF BYELAWS

1. Interpretation
2. Application
3. Payment of fees
4. Interference with privacy of others
5. Improper soiling
6. Writing, etc
7. Affixing of pictures, etc
8. Loitering
9. Obstruction
10. Penalty

Byelaws made under section 87(3)(a) of the Public Health Act 1936 by the London Borough of Tower Hamlets with respect to public toilets.

Interpretation

1. In these byelaws:

“the Council” means the London Borough of Tower Hamlets;

“the park” means those parts of the Queen Elizabeth Olympic Park as edged black on the annexed plan;

“toilet” means toilet facilities provided by public use by the Council and includes urinals and changing facilities for young children.

Application

2. These byelaws apply to the park.

Payment of fees

3. No person shall enter any cubicle without first paying any fees which the Council may charge for its use.

Interference with privacy of others

4. No person shall interfere with the privacy of another person using the public toilet or give that person reasonable grounds for annoyance.

Improper soiling

5. No person shall improperly soil any part of the toilet.

Writing, etc

6. No person shall write on or mark or otherwise deface any part of the toilet.

Affixing of pictures, etc

7. No person shall affix any picture or printed or written matter to any part of the toilet.

Loitering

8. No person shall loiter in the toilet.

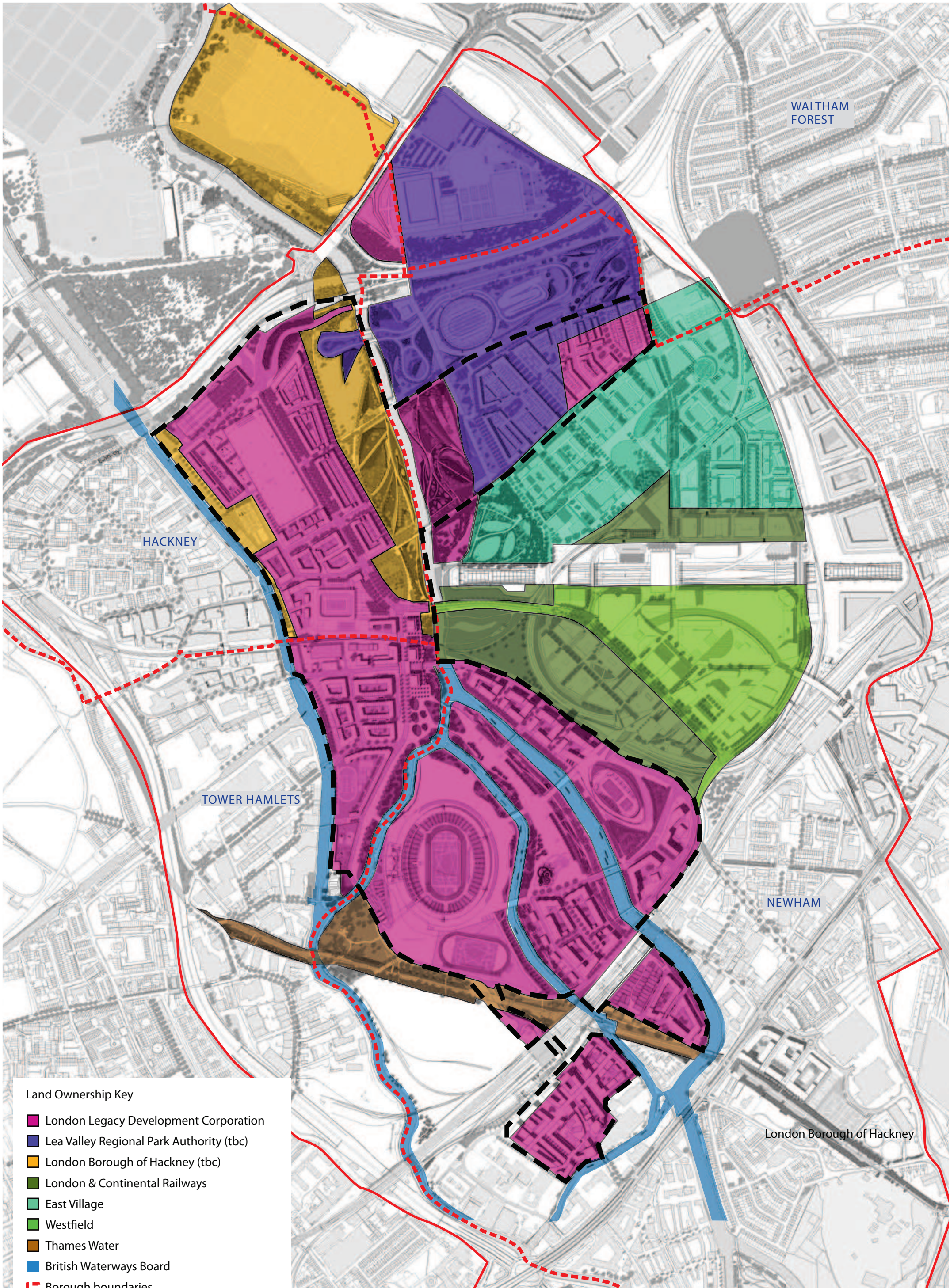
Obstruction

9. No person shall obstruct:
 - (a) any officer of the Council in the proper execution of his duties;
 - (b) any person carrying out an which is necessary to the proper execution of any contract with the Council; or
 - (c) any other person in the proper use of the toilet.

Penalty

10. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

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Land Ownership Key

- London Legacy Development Corporation
- Lea Valley Regional Park Authority (tbc)
- London Borough of Hackney (tbc)
- London & Continental Railways
- East Village
- Westfield
- Thames Water
- British Waterways Board

Borough boundaries

LLDC boundary

Area of LLDC management control ie all publicly accessible open spaces within this area subject to LLDC park byelaws

Queen Elizabeth Olympic Park land ownership and management boundaries

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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 17 APRIL, 2013

LDF: MANAGING DEVELOPMENT – DEVELOPMENT PLAN DOCUMENT ADOPTION

REPORT OF THE CORPORATE DIRECTOR DEVELOPMENT AND RENEWAL, AMAN DALVI

1. **SUMMARY**

- 1.1 The Managing Development – Development Plan Document (MD DPD) identifies sites for the social and physical infrastructure necessary to support growth across the borough. It also provides detailed planning policies to ensure development proposals are of the highest quality and respond to local needs.
- 1.2 The preparation of the MD DPD commenced subsequent to the adoption of the Council's Local Development Framework (LDF) Core Strategy in September 2010. The MD DPD has been through an extensive preparation process, including evidence base collection, issues and options testing, public consultation and independent examination.
- 1.3 On 16 May 2012, Full Council approved the draft MD DPD to be submitted to the Secretary of State for an Examination in Public (EiP). Submission of the MD DPD was undertaken in accordance with regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.4 Upon Submission, the Secretary of State appointed an independent Planning Inspector to undertake the EiP, from 18th to 21st September 2012. The Inspector's Report (see Appendix 2) was received on the 22 December 2012 and has been published on the Council's web site.
- 1.5 The Inspector's Report concludes that the MD DPD provides an appropriate basis for managing development within the borough. It does however set out a number of main modifications the Council is required to make in order to meet legal and statutory obligations to ensure the MD DPD is 'sound'. These modifications, together with additional minor modifications that the Council consulted on following the EiP, are set out in Appendix 1.

- 1.6 It is now necessary to adopt the MD DPD to ensure the Council has a robust and up to date planning policy framework to sustainably manage growth and maximise the benefits of development for our local community.

2. DECISION REQUIRED

Council is recommended to:-

- 2.1 Agree the recommendations stated in the Inspector's Report.
- 2.2 Adopt the MD DPD, including the main modifications recommended by the Inspector and the minor modifications, as a Development Plan Document which forms part of the Council's 'Local Plan'.
- 2.3 Authorise officers to prepare and publish an Adoption Statement as set out in regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.4 Agree to the removal from the Council's Local Plan of the superseded:
- § Unitary Development Plan (1998), its retained policies and Proposals Map (as stated in Appendix 5 of the Core Strategy (2010)); and
 - § Interim Planning Guidance Core Strategy and Development Control Plan and Proposals Map (2007), City Fringe AAP (2007), Leaside AAP (2007) and Isle of Dogs AAP (2007).
- 2.5 Agree to the name change from 'Managing Development – Development Plan Document' to the 'Managing Development Document' to ensure compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

3. REASONS FOR THE DECISIONS

- 3.1 The Managing Development DPD is necessary to provide further detail to deliver the vision and objectives set out in the Community Plan and adopted Core Strategy (2010). The MD DPD will ensure:
- § New developments meet the needs of the borough and are designed to the highest standards; and
 - § Sites are identified to deliver important infrastructure – including new schools, health facilities, local parks and IDEA Stores – to support an increasing population.
- 3.2 On receipt of the Inspector's Report, the Council must consider whether to adopt the MD DPD, in which case it becomes part of the Local Plan. If the Council decides to adopt the MD DPD then it must accept the Inspector's recommendations if the plan is to be deemed 'sound' and have full weight as a Development Plan Document.
- 3.3 The adoption of the Managing Development DPD will provide the Council with updated and detailed policies and guidance used to determine planning applications and manage development. Guidance has been developed to be

consistent with the National Planning Policy Framework (March 2012) and the London Plan (July 2011).

- 3.4 The document will replace the 'saved and retained' development control policies in the Unitary Development Plan (1998) and 2007 'Interim Planning Guidance' (2007). These need to be removed as planning policy guidance to ensure an effective and efficient development management process to deliver the borough's visions and aspirations.

4. ALTERNATIVE OPTIONS

- 4.1 An alternative option would be to rely on the adopted Core Strategy, London Plan, and the Council's existing planning guidance contained within the Unitary Development Plan (1998) and the 'Interim Planning Guidance' (2007).
- 4.2 In the absence of an up-to-date detailed policy framework, the high-level general guidance contained within the Core Strategy and London Plan will not be able to provide sufficient detail to manage development, while the outdated 'Interim Planning Guidance' would not effectively deliver the Council's aspirations. Additionally, in relying more heavily on the London Plan, the Council would be less able to address local needs.
- 4.3 This option would therefore mean that the borough would not be able to respond to the challenges of recent changes in national and London planning policy, as well as to emerging development pressures, to address specific issues affecting Tower Hamlets. It would also mean that the Council would not have sites identified to provide the necessary infrastructure to support an increasing population.

5. BACKGROUND

- 5.1 The Core Strategy was adopted by Full Council in September 2010 and provides an overall spatial vision for the development of Tower Hamlets until 2025. The Fish Island AAP was subsequently adopted in September 2012 to help manage the regeneration of Fish Island. It is now being used to inform the development of the London Legacy Development Corporation (LLDC)'s Local Plan, with LLDC now being the Local Planning Authority for that part of the Borough.
- 5.2 In order for the Core Strategy spatial vision and Community Plan aspirations to be delivered, it is necessary to replace the existing detailed policies and guidance within the Unitary Development Plan (1998) and the Interim Planning Guidance (2007) with the updated policies and guidance within the Managing Development DPD.

- 5.3 Specifically, the Managing Development DPD will provide updated policies and guidance on:
- § Implementation of detailed development management policies against which planning applications will be assessed.
 - § Identifying sites for important services – primary and secondary schools, IDEA Stores, waste management facilities and parks – and sites capable of accommodating 500+ new homes; and
 - § Defining boundaries for planning policy areas including town centres and employment areas.

6. BODY OF REPORT

Managing Development DPD development process

- 6.1 The Managing Development DPD was prepared in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. The associated regulations requires the MD DPD to be:
- § consistent with the National Planning Policy Framework (NPPF) (March 2012) and the London Plan (July 2011)/Revised Early Minor Alterations (June 2012);
 - § underpinned by relevant and proportionate evidence base to inform content;
 - § supported by options testing to explore alternative scenarios and implications of different policies or site allocations;
 - § informed by a consultation and engagement process with the community and key stakeholders, including appraising the options of draft policies and site allocations;
 - § supported by a Sustainability Appraisal to review the policies and site allocations; and
 - § examined in public by an independent Planning Inspector.
- 6.2 The process for the preparation of the MD DPD is set out in the Council's latest Local Development Scheme, approved by Cabinet in December 2010. The process to date is summarised below.
- 6.3 Work commenced on the Managing Development DPD shortly after the adoption of LDF Core Strategy in September 2010. Originally the document consisted of two separate documents that were subsequently joined to stream-line the planning process.
- 6.4 The preparation of the Managing Development DPD has been carried out during a time of extensive planning reform with the publication of the NPPF, the Localism Act and associated regulations. The MD DPD has been developed to be in conformity with the relevant national and regional legislation and policy to ensure the soundness of the document.

Consultation

- 6.5 The Council has a duty to cooperate as set out in s33A of the Planning and Compulsory Purchase Act 2004. The Council has engaged constructively, actively and on an on-going basis with the relevant bodies in the process of preparing the Managing Development DPD. The Council has also undertaken extensive consultation and engagement with the community in accordance with the Council's Statement of Community Involvement (SCI) and national legislation.
- 6.6 Previous reports considered by Cabinet in December 2011 and full Council in May 2012 outline the extensive consultation and engagement process undertaken. The key stages are listed below.
- § Call for sites – 22 March to April 2010
 - § Informal consultation – November 2010
 - § Engagement stage – 3 May to 9 June 2011
 - § Call for Representations - 23 January and 9 March 2012
- 6.7 The consultation and engagement process has shaped and informed the development of the Managing Development DPD. The Managing Development DPD represents a collaborative approach between the Council and key external stakeholders (including statutory agencies, landowners and residents).

Submission

- 6.8 The Managing Development DPD 'submission version' was presented to full Council on 16 May 2012 for approval to submit to the Secretary of State. In accordance with regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council submitted the DPD, including supporting evidence base, to the Secretary of State on 18 May 2012 to undertake an independent examination into the soundness of the document.

Examination

- 6.9 The Secretary of State appointed an independent Planning Inspector to undertake an Examination in Public (EiP). In accordance with regulation 24 of the Town and Country Planning (Local Planning) (England) regulations 2012, the Council gave public notification on the date, time and location for the EiP.
- 6.10 The Inspector held fourteen hearings from 18 to 21 September 2012. The structure of the hearings focused on specific topics that were determined by the Inspector for further examination. The hearings were attended by key representatives, including landowners, GLA, English Heritage and representatives of the local community. Lead Member for Housing, Councillor Rabina Khan, introduced the first hearing, and hearings were also attended by a number of senior managers and specialist officers from the Council to support the examination process.

- 6.11 Following the EiP, the Council consulted on a number of proposed modifications to the MD DPD (Appendix 1). These modifications were in response to the Statements of Common Ground, Position Statements, the EiP hearings, and also included other amendments suggested by the Council.
- 6.12 During the 6 week consultation period, the Council welcomed comments relating directly to the proposed modifications. These were sent to the Inspector for consideration ahead of the Inspector issuing his Report.

Inspector's Decision Statement

- 6.13 The Inspector's Report was received on the 22 December 2012 and has been published on the Council's web site.
- 6.14 The Inspector's Report concludes that the MD DPD provides an appropriate basis for managing development within the borough. It does however set out a number of main modifications the Council is required to make in order to meet legal and statutory obligations to ensure the MD DPD is 'sound'. These main modifications, together with additional minor modifications that the Council consulted on following the EiP, are set out in Appendix 1.
- 6.15 The Inspector supported the vast majority of the content of the plan, including:
- § Allocation of sites for 2 new secondary schools.
 - § Allocation of sites for 4 new primary schools.
 - § Allocation of sites for 4 new local parks.
 - § a rigorous approach to control the location and number of hot food takeaways.
 - § a detailed framework for assessing tall buildings.
 - § robust design standards for new homes, including provision of amenity space and child play space.

Affordable Housing

- 6.16 Key to the main modifications is the change to Policy 'DM3 – Delivering Homes'. Most significantly, the Inspector supported the Mayor of London's objection to Policy DM3 and recommended that two parts of the policy be removed to ensure it is in conformity with the London Plan:
1. Prioritising Social Rent housing ahead of Affordable Rent housing; and
 2. Using local evidence base to define the Tower Hamlets 'adjusted rents' to be used as a basis for negotiation in the development management process.
- 6.17 The Inspector concluded that prioritising social rented housing would reduce the overall number of affordable homes produced. Similarly the Inspector interpreted the Tower Hamlets 'adjusted rents' to imply that maximum rents (or rent caps) were being set which would further restrict the delivery of affordable housing.

- 6.18 The Council must accept the recommendations of the Inspector but is concerned that the final policy will create uncertainty for developers and Registered Providers and that the Council will have no control on rents which can be 'up to 80% of market rent' and therefore beyond the reach of residents in housing need.
- 6.19 Having considered the Inspector's Report and the Mayor of London's objection, the Council has prepared a draft Affordable Housing Supplementary Planning Document to provide the level of detail considered necessary to ensure the Council's affordable housing objectives can be met. The SPD will ensure an appropriate balance between maximising affordable housing numbers and ensuring that new homes are genuinely affordable for borough residents, in particular those in need of affordable family homes.
- 6.20 The Council is aware that the Mayor of London is still waiting for the Inspector's Report into the revisions of the London Plan. It is these revisions which our Inspector used to justify his affordable housing recommendations. In the event that the London Plan Inspector's Report is more favorable to Tower Hamlets' affordable housing approach, it is proposed to undertake an urgent revision of the MD DPD Affordable Housing policy to re-introduce key elements of the policy which the Inspector recommended be removed.

Removal of the Unitary Development Plan and Interim Planning Guidance DPD documents

- 6.21 To facilitate an efficient planning policy framework, the existing 'saved and retained' policies within the Unitary Development Plan (1998) and Interim Planning Guidance DPD documents (2007) need to be removed. These policies are now deemed superseded consequent to the proposed adoption of the MD DPD.

Further implications of NPPF

- 6.22 Under the NPPF and the 2012 Local Planning Regulations the Council's documents which have development plan status now form 'The Local Plan'. This means that the Council will no longer use the term Local Development Framework and the MD DPD will be renamed 'Managing Development Document' on adoption.

Next Steps

- 6.23 Subject to Full Council adopting the Managing Development DPD, it will be finalised and published on the Council's web site and made available in the borough's Idea Stores, libraries and planning reception at the Town Hall.
- 6.24 The Council will need to prepare an Adoption Statement to accompany the MD DPD in accordance with regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Adoption Statement sets out:

- § date which the MD DPD was adopted;
- § modifications following the submission version (May 2012); and
- § notice that any person aggrieved by the process can make an application to the High Court within 6 weeks from the date of adoption.

6.25 Following the 6 week adoption period and subject to no legal challenges, the Managing Development DPD can then be used as part of the 'Development Plan' to determine planning applications.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

7.1 Following the completion of the statutory consultation process and the independent inspection undertaken on behalf of the Secretary of State, this report seeks approval from Council to adopt the Managing Development - Development Plan Document within the Council's Local Development Framework.

7.2 Following the Inspector's recommendations, officers had specific concerns regarding the necessary amendments to the Affordable Housing element of the policy. In order to mitigate the effects and to establish a balance between maximising the number of affordable housing units and ensuring that new homes are genuinely affordable to residents, a draft Affordable Housing Supplementary Planning Document was considered by Cabinet in April (paragraph 6.19).

7.3 Whilst there are no specific financial consequences arising directly from the recommendations in the report, ultimately the Local Development Framework and its constituent elements will underpin key decisions in relation to the allocation of the limited resources available within the Borough, and will influence the shaping of the Council's Capital Strategy.

7.4 The documents within the Council's LDF set out some of the challenges that the Authority and its partners may face over coming years as a result of demographic and economic growth. Individual infrastructure developments will need to be subject to detailed planning at the appropriate time, including consideration of the financial impact on both partner organisations and on the Council.

7.5 The main costs associated with the production of the Local Development Framework are staffing related and have historically been part supported through Housing and Planning Delivery Grant. The Managing Development – Development Plan Document included within this report has been the subject of on-going consultation processes which incurred costs on items such as advertising, printing, hiring venues and facilitating public meetings. Although the Housing and Planning Delivery Grant regime ended in 2009-10, resources had been earmarked to fund this expenditure. The final stage of the LDF process is an 'inspection in public' for which the Authority must incur all costs, including those of the appointed inspectors. Resources have previously been

set aside as part of the budget process to contribute towards the funding of these costs.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1. The Local Plan (formerly described as the Local Development Framework) consists of a suite of documents which set out planning policy. As the report notes, the Council has already adopted its principal DPD, being the Core Strategy, which establishes the general spatial vision and planning objectives for the borough. Approval is now being sought to adopt the MD DPD following examination in public and receipt of the Inspector's report.
- 8.2 The MD DPD is adopted by the Council under section 23 of the Planning and Compulsory Purchase Act 2004 (as amended). The Council may only adopt the MD DPD if they accept the modifications to the DPD suggested by the Inspector to this report. This report confirms this legal requirement and also notes the name change of this document at paragraph 6.22 pursuant to the Town and Country Planning (Local Planning) (England) Regulations 2012 ("2012 Regs").
- 8.2 Full Council is requested to adopt the MD DPD as pursuant to section 9D(2) of the Local Government Act 2000 and regulation 4 and Schedule 3 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the adoption of a DPD is a function that is not to be the responsibility of a local authority's executive.
- 8.3 As set out at paragraph 6.24 of the report, an adoption statement must be prepared and published as soon as reasonably possible following adoption of the MD DPD in accordance with Regulation 26 of the 2012 Regs. The adoption statement must specify, inter alia, that any person aggrieved by the local plan may make an application to the High Court.
- 8.4 In carrying out the function of preparing and adopting a DPD, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. The report indicates that an equality analysis has been carried out and no negative equality impacts arise.

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 An Equalities Assessment (EqA) has been undertaken in support of the Managing Development DPD. The EqA assesses issues relating to the diversity of the borough including, race, gender, disability, age, sexual orientation faith and deprivation. The EiP did not disclose any impacts that required re-assessment of the equalities analysis. The EqA Report is included as part of the evidence base and is available upon request.

- 9.2 It should also be noted that the Managing Development DPD supports the delivery of the Council's LDF Core Strategy, which was itself subject to an EqA.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 A detailed Sustainability Appraisal has informed the preparation of the Managing Development DPD. The Sustainability Appraisal Report is included as part of the evidence base and is available upon request.
- 10.2 In accordance with the Core Strategy, the Managing Development DPD will help ensure a greener environment in a number of ways, including: helping improve existing areas of open space and secure new areas of open space; promoting biodiversity; promoting sustainable transport options; and ensuring new buildings meet the highest environmental standards.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 An LDF Board was established in May 2010, chaired by the Corporate Director of Development & Renewal, to lead on the preparation of future planning documents within the Local Plan. Risk Management and mitigation is a standard item at monthly LDF Board meetings. As part of the Borough's Local Plan, the MD DPD has been subject to this risk management process.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 The Managing Development DPD has specific policies to improve the safety and security of new developments and the surrounding public realm. These policies will contribute to ensuring that communities feel safe and secure.

13. EFFICIENCY STATEMENT

- 13.1 The Managing Development DPD has been prepared in the context of the Core Strategy and other relevant Council Strategies, such as the IDEA Store Strategy, Employment Strategy and Leisure Strategy. As such, the Managing Development DPD closely reflects Council priorities and the Council's capital planning process and fully compliments the Core Strategy vision of ensuring the timely provision of necessary social and physical infrastructure to support the growth in population and jobs in the Borough over the next 15 years.
- 13.2 The Managing Development DPD will also ensure the Council has a fully up-to-date suite of planning documents which responds to the identified needs of the Borough and provides a more efficient basis for the determination of planning applications.

14. APPENDICES

Appendix – Table of Modifications to the Managing Development DPD
(1A – Main Modifications, 1B – Minor Modifications)

Appendix 2 – Inspector’s Report, Report on Examination into the Managing
Development Local Plan

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
N/A	

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Appendix 1A – Main Modifications

The modifications below are expressed by specifying the modification in words in *italics*. The page numbers and paragraph numbering below refer to the submission local plan and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	19	DM0	<i>Change paras D10 to D12 inclusive into new policy DM0.</i>
MM2	22	Para 1.4	<i>Delete last sentence.</i>
MM3	26	DM3.1	<i>Replace "provide" with "maximise" in first line and add "/Affordable" after "Social" in second line. Delete second sentence and parts a, b and c.</i>
MM4	26	DM3.3	<i>Delete "seek to" in first line. Add "ring fenced for additional affordable housing output" at end of part b.</i>
MM5	27	DM3.4	<i>Reword part b; "based on the total housing existing or permitted as part of a development, where a scheme proposes additional housing".</i>
MM6	27	DM3.7	<i>Add "/Affordable" after "Social" in Table 1.</i>
MM7	27	Para 3.1	<i>Add "full range of" before "needs" in penultimate line.</i>
MM8	27	Para 3.2	<i>Reword first sentence; "A key component of this policy is to provide guidance for development to help maximise the delivery of affordable homes.".</i>
MM9	27	Paras 3.3/3.4	<i>Delete, including Table 2.</i>
MM10	28	Paras 3.8/3.13	<i>Reword last part of third sentence; "both off-site and on-site and a minimum of 50% affordable housing must be provided overall (subject to viability)". Reword last sentence; "The Social Rent and Affordable Rent homes considered together should provide 45% family housing.".</i>
MM11	30	DM4.1b	<i>Delete part b.</i>
MM12	34	DM6.1b	<i>Add "colleges and" before "universities" and delete "within the borough" at the end.</i>
MM13	40	DM10	<i>Add new part 3 to policy; "Development should not adversely impact on the public enjoyment of the Lee Valley Regional Park, its openness, ecological and heritage value. Development which affects the Park will be required to enhance recreational value, water based habitats and pedestrian and cycle routes into and through the Park, especially where these aid connectivity between existing and new open spaces." Add new para after 10.2; "The open spaces, waterways and recreational facilities of the Lee Valley Regional Park form an important part of the borough's green and blue grid networks and connect the borough with the wider Regional Park. The Park is a valuable resource for the borough with potential to contribute to creating healthy and liveable communities, particularly where links into this network can be enhanced and complemented by new open space delivered as part of development. The Regional Park Authority has a statutory duty to either provide directly or work with partners to</i>

Ref	Page	Policy/ Paragraph	Main Modification
			<i>provide facilities for sport, recreation, leisure, entertainment and nature conservation throughout the Park. The Council will support and work with the Authority to deliver proposals set out in the Park Plan 2000 and Park Development Framework where they relate to the borough."</i>
MM14	42	DM12.2 and Paras 12.3 and 12.4	<i>Reword first sentence; "Development will need to provide suitable setbacks, where appropriate, from water space edges." Add ", residential moorings" after "space" in second line. Delete "and maintenance" at end of second sentence.</i>
MM15	44	DM14.1a	<i>Replace "elsewhere in the borough" with "within London".</i>
MM16	44	DM14.1b/para 14.5	<i>Delete part b and para 14.5.</i>
MM17	46	DM15	<i>Replace "and" with "or" before "that" in line 5 and add ", viability," after "location" in line 7.</i>
MM18	47	Para 15.4	<i>Add new sentence at end; "As such part 1 of the policy does not apply to Site Allocations."</i>
MM19	48	DM16.3a	<i>Replace "Over a period of two years" with "For approximately 12 months".</i>
MM20	49	Para 16.3	<i>Reword end of first sentence; "with major office development as the focus, with supporting uses such as gyms, hotels, restaurants and retail uses helping to achieve a sustainable office environment."</i>
MM21	49	Para 16.3	<i>Delete "and intensify" and "growing" from last sentence.</i>
MM22	52	DM18.d ii	<i>Reword to "the design and layout take into account the relevant guidance;"</i>
MM23	53	Para 18.5/ Table 6	<i>Add "London Dock" to list of secondary school sites and delete "Westferry Printworks" and "News International" from list of primary school sites.</i>
MM24	61	Para 22.2	<i>Delete "Clear Zones, areas of highway and parking stress" from second sentence. Reword start of third sentence to "Locations of Clear Zones, areas of highway congestion and on street parking stress will also be taken into account when considering maximum parking levels..."</i>
MM25	68	DM25.1	<i>Replace "will be required" with "seek" in first line of part 1 and replace "the" with "an unacceptable" in first line of part 1a.</i>
MM26	70	DM26.1	<i>Reword to "Building heights will be considered in accordance with the town centre hierarchy (as illustrated in Figure 9) and the criteria stated in part 2."</i>
MM27	70	DM26.2b	<i>Reword to "Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas."</i>

Ref	Page	Policy/ Paragraph	Main Modification
MM28	70	Figure 9	<i>Delete middle line of table. Reword bottom line to "This table provides an illustration of the heights representing the town centre hierarchy. Reword text under Figure 9;" to "Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy".</i>
MM29	72	Para 26.1	<i>Add two new sentences after first; "Following the criteria stated in Core Strategy SP10(5), these tall building locations are defined to be the Aldgate and Canary Wharf Preferred Office Locations. The English Heritage/CABE "Guidance on tall Buildings" (2007) is used to provide the definition of tall buildings." Add new sentence at end; "This is supported by existing supplementary planning guidance; future supplementary planning guidance may also be developed by the Council to provide additional detail."</i>
MM30	72	Para 26.4	<i>Add at end of first sentence; "and the London View Management Framework."</i>
MM31	74	DM27.3	<i>Add "designated" before "heritage" in line 1.</i>
MM32	76	DM28.1	<i>Replace "respects, conserves and preserves" with "sustains and enhances" in line 5.</i>
MM33	78	DM29.2	<i>Add at end: "unless it can be demonstrated that this is not feasible or viable."</i>
MM34	79	Para 29.4	<i>Replace "will" with "may" in line 11. Add at end; "having regard to viability and site specific considerations."</i>
MM35	127	Para SA.11	<i>Add "LBTH Site Viability Testing Report" to list.</i>
MM36	129	Para SA.12	<i>Add "and national policy guidance, specifically with regard to viability considerations" at end of first sentence under design.</i>
MM37	91	SA1	<i>Delete "with scale decreasing to the east and west" from second point under design considerations.</i>
MM38	95	SA2	<i>Delete second sentence of point 4 under design regarding location of new local park.</i>
MM39	95	SA2	<i>Delete first sentence of first point under implementation regarding release date of site.</i>
MM40	95	SA2	<i>Add new second point under implementation "Development will need to acknowledge the associated costs of decommissioning the gasworks and the relocation of any significant equipment."</i>
MM41	102	SA4	<i>Delete all of Option 2 and "a district heating facility" under site allocation.</i>
MM42	103	SA4	<i>Replace all references to "News International" with "London Dock". Delete first two points under implementation regarding start date and options. Add two new points "A new secondary school site takes first</i>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>priority over all other non transport infrastructure requirements including affordable housing, in relation to the redevelopment of this site, to ensure that it is economically viable and that the new school is provided in a sustainable location to help meet education needs arising across the borough."</p> <p>"Development must examine the potential for a district heating facility."</p>
MM43	117	SA8	<p>Delete first sentence of first point under implementation regarding release date of site.</p> <p>Add new second point under implementation "Development will need to acknowledge the associated costs of decommissioning the gasworks and the relocation of any significant equipment."</p>
MM44	126	SA11	<p>Reword site allocation; "A comprehensive mixed use scheme to provide a strategic housing development, a primary school and other compatible uses, including employment floorspace. The existing waste management site is required to be safeguarded in accordance with policy DM14."</p> <p>Amend Figure 32 to show existing safeguarded site and Figure 33 to delete north and south grey areas.</p>
MM45	127	SA11	<p>Add "on the safeguarded site" after "waste management facility" in relevant points under both design and implementation.</p> <p>Delete first sentence of point under implementation regarding release date of site.</p>
MM46	129	SA12	<p>Delete "exceed the" and "requirement" from second sentence of first point under design.</p> <p>Add new point under implementation "Development will need to acknowledge the associated costs of decommissioning the gasworks and the relocation of any significant equipment."</p> <p>Reword penultimate point under implementation "The large local park should be delivered in the earliest phase of development, taking into consideration viability."</p>
MM47	143	SA16	<p>Reword first part of first point under design; "Complement the tall building cluster in Canary Wharf through appropriate taller building heights while respecting..."</p>
MM48	146	Figure 43	<p>Amend to include Glengall Bridge as a development parcel.</p>
MM49	148	SA18	<p>Delete Option 2 under site allocation.</p>
MM50	149	SA18	<p>Delete last point under design regarding new school location.</p> <p>Delete second point under implementation regarding options.</p> <p>Delete point under implementation regarding energy centre.</p> <p>Delete penultimate point under implementation regarding the Tiller leisure centre.</p> <p>Add two new points under implementation; "A new secondary school site takes first priority over all other non transport infrastructure requirements including affordable housing, in relation to the redevelopment of this site, to ensure that it is economically viable and that the new school is provided in a</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<i>sustainable location to help meet education needs arising across the borough."</i> <i>"Development must examine the potential for a district heating facility."</i>
MM51	166	App 1	<i>Add reference to "District Heating Facility" to Glossary.</i>
MM52	171	App 2	<i>Amend office (B1a) and hotel parking standards to be consistent with the LP.</i>
MM53	173	App 2	<i>Amend car parking standards to: "PTAL 5-6 less than 3 beds 0.1, 3 beds or more 0.2, PTAL 3-4 less than 3 beds 0.3, 3 beds or more 0.4, PTAL 1-2 less than 3 beds 0.5, 3 beds or more 1".</i>
MM54		All SAs	<i>For all SAs not covered by specific recommendations above; Add ", where possible" after all references to "a district heating facility" in site allocations."</i>

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Appendix 1b Minor Modifications

The following Minor Modifications are in addition to the 'Main Modifications' stated within the Inspector's Report. These Modifications do not relate to, or impact on, the soundness or legal compliance of the Managing Development DPD.

#	Minor Modification	Reason / source	Location
	General correction of formatting and spelling errors	Correction of errors	All
	Amend OS base maps to 2013	To accord with OS guidance	All
	Change name from LDF / Local Development Framework to Local Plan	To reflect new Local Plan terminology	All
	Amend table numbers following table 2 deletion (MM)	Formatting correction	All
	Open Space Strategy (Draft) to Open Space Strategy (Mid-term update)	To provide correct title	All
	Key policy links - Amend "DM21 Sustainable transportation of waste" to DM21 "Sustainable transportation of freight".	Minor modification to correct error	DM14 – key policy link
	Paragraph 18.7 last sentence amended to read "All new buildings and extensions should aim to achieve BREEAM excellent standard as well as all current applicable standards published by the Department for Education, including Building Bulletins 98 and 99, and Independent Schools Standards and regulations.	Minor modification to add clarity to policy interpretation	DM18 – para 18.7
	Second sentence of 18.7 is amended "... including free schools and academies ..." and removing the " marks on free schools.		
	Key policy links' box - Amend "DM21 Sustainable transportation of waste" to read "DM21 Sustainable transportation of freight"	Statement of Common Ground with Canal & River Trust	DM21 – key policy link
	Amend " Core Strategy Spatial Policy 08 promotes the sustainable transportation of freight." to read " Core Strategy Spatial Policy 08 promotes the sustainable transportation of freight (including waste)."	Minor modification to add clarity to policy interpretation	DM21 – para 2.1.1
	Amend Figure 9 to state: "First row, first grey box – Core Strategy tall building locations (Aldgate Preferred Office Location and Canary Wharf Preferred Office Location) First row, second grey box – Other Preferred Office Locations, Central Activity Zone, Activity Areas and Major Centre."	Statement of Common Ground with English Heritage	DM26 – figure 9

#	Minor Modification	Reason / source	Location
	Amend Figure 9 to ensure further consistency with the Core Strategy: "Preferred Office Locations in Core Strategy tall building locations"		
	Amend "Policy DM6 provides guidance..." to "Policy DM4 provides guidance..."	Minor modification to correct error	DM4 – para 4.1
	Amend 'Providing for Children and Young People's Play and Informal Recreation SPG' to 'Shaping Neighbourhoods: Play & Informal Recreation SPG'	Examination in Public	DM4 – table 4 and key policy link
	Amend title and LDF/Local Plan	To reflect new terminology	Front cover
	Amend London View Management Framework Layers to show most up to date layers (March 2012)	Call for Representations	Proposals Map
	Remove 30b Commercial Road from the Aldgate POL	Minor modification to correct error	Proposals Map
	Amend the LOL boundary to exclude the Safestore site	Statement of Common Ground with Safestore	Proposals Map
	Replace with new illustration representing Local Plan.	To reflect new Local Plan terminology	Setting the scene - Figure 1
	Delete "The way the planning guidance is structured is evolving following changes to national guidance. These will be reflected in the document as necessary."	Text now superfluous	Setting the scene - Para S.1
	Delete "This may evolve following the implementation of the Localism Act (2011), specifically at the place and neighbourhood scales."	Text now superfluous	Setting the scene - Para S.15
	Delete "From 1 October 2012"	Text now superfluous	Setting the scene - Para S.16
	Add "and the Fish Island Area Action Plan" after Core Strategy.	Update following adoption of the Fish Island AAP.	Setting the scene - Para S.17
	Delete "Neighbourhood Planning Regulations (2012);"	Text not required	Setting the scene - Para S.23
	Delete "Local Development Framework" and related text to state:	To reflect new Local Plan	Setting the scene - Para S.23

#	Minor Modification	Reason / source	Location
	<p>"The Local Plan contains the Core Strategy and Managing Development DPD (shown in figure 1). These two documents provide locally specific guidance to assist in the regeneration and sustainable development of the borough. The Local Plan contains the borough's Strategic Policies in the form of Spatial Policies, Development Management Policies and site allocations."</p> <p>Delete "Document stages</p> <p>S.18 The Council believes that the Managing Development DPD (MD DPD) Submission Version is sound and legally compliant. It has been developed by combining the information within the previous Development Management DPD and Sites and Placemaking DPD Engagement Documents and subsequently updating these with more detail and guidance.</p> <p>S.19 Please note that the Spatial Policy Areas in the Sites and Placemaking DPD Engagement Document are now shown on the Proposals Map and the information provided for the placemaking elements during the engagement period has been used to inform the Neighbourhood Planning Framework evidence base for any potential Neighbourhood Plans."</p>	terminology	scene - Para S.5
	<p>Delete: "S.26 Current stage</p> <p>May 2012 Submission - This Submission Version of the MD DPD will be submitted to the Secretary of State, alongside submitted representations for the Examination in Public to be undertaken by an independent Planning Inspector. These will also be published online and hardcopies provided at Idea Stores, libraries and the Council's planning office.</p> <p>S.27 Next stages</p> <p>May 2012 onwards Pre-Examination preparation - Once submitted, an independent Programme Officer for the Examination will be appointed and preparations begun for the Examination in Public.</p> <p>Autumn 2012 Post Examination in Public - Following the Examination in Public, the Proposed Minor Amendments are subject to a 6-week consultation period to inform the Inspector's Report. The Inspector's Report is likely to be published in mid-November 2012.</p>	Text now superfluous	Setting the scene - Paras S.26 and S.27
	<p>Include LB Hackney/Tower Hamlets boundary on figure 14 and reference on the key.</p>	Examination in Public	Site allocation 1 Bishopsgate Good Yard
	<p>Amend reference to Bromley Hall School as being "Grade II* listed" to being "Grade II (no stars) listed"</p>	Call for Representations	Site allocation 11 Ailsa Street
	<p>Delete first sentence of 9th bullet point.</p>	Examination in Public	Site allocation 12 Leven Road Gas Works
	<p>Review and amend reference to Millennium Quarter SPG in the pink box and all other references to</p>	Examination in Public	Site allocation

#	Minor Modification	Reason / source	Location
	SPGs/IPGs in the site allocations section, to confirm their status relative to the DPD. i.e. they do not have development plan status		17 Millennium Quarter
	Amend 8th bullet point to state: "To enable safe access to the secondary school, development will need to deliver improved pedestrian and cycling routes."	Examination in Public	Site allocation 4 News International
	Reference will be made in the title of the site allocation to confirm that this site is within the LLDC area and they are the Plan Making Authority from 1st October 2012.	Minor modification to add clarity to Local Planning Authority successor of the site	Site allocation 7 Bromley-by-Bow North East Quadrant
	Remove table 5	Text now superfluous	What is development management?



Report to Tower Hamlets London Borough Council

by Nigel Payne BSc[Hons], Dip TP, MRTPI, MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 17 December 2012

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON EXAMINATION INTO THE MANAGING DEVELOPMENT LOCAL PLAN

Document submitted for examination on 18 May 2012

Examination hearings held between 18 and 21 September 2012

File Ref: E5900/429/11

Abbreviations Used in this Report

AAP	Area Action Plan
AHVA	Affordable Housing Viability Assessment
CS	Core Strategy
GLA	Greater London Authority
HMA	Housing Market Area
LDS	Local Development Scheme
LIL	Local Industrial Location
LOL	Local Office Location
LP	London Plan
MDLP	Managing Development Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
POL	Preferred Office Location
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SIL	Strategic Industrial Location
TfL	Transport for London

Non-Technical Summary

This report concludes that the Managing Development Local Plan provides an appropriate basis for the planning of the Borough over the next 15 years providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. Nearly all of the modifications to address this were proposed by the Council and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- Inclusion of a model policy containing a presumption in favour of sustainable development (DM0);
- Delete priority for social rented housing over affordable rent (policy DM3);
- Confirm supporting uses as acceptable with offices in POLs (policy DM16);
- Clarify new parking standards (policy DM22 and App 2);
- Revise application of building heights policy (DM26 and Fig 9) and
- Confirm that new secondary school sites are required on SA4 and SA10 and that the development viability implications must be taken into account.

Introduction

1. This report contains my assessment of the Managing Development Local Plan (MDLP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (para 182) makes clear that to be sound, a plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The basis for the examination is the submitted draft plan of May 2012; essentially the same as the document published for consultation in January 2012.
3. My report deals with the main modifications that are needed to make the plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act, the Council requested that I should make any modifications needed to rectify matters that make the plan unsound and thus incapable of being adopted. These main modifications are set out in the Appendix. Those that go to soundness have been subject to public consultation and I have taken all the consultation responses into account in writing this report. As most concern clarity and effectiveness, and based on the absence of effect on the overall aims, objectives and main elements of the plan, I am satisfied that a further Sustainability Appraisal (SA) is not necessary in this instance.

Assessment of Duty to Co-operate

4. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the Act in relation to the plan's preparation. In London, to an extent, the duty to co-operate is achieved through the workings of the Mayor's London Plan. With one important exception relating to affordable housing in policy DM3 (see Issue 1), the Mayor has confirmed that the Managing Development Local Plan (MDLP) is in general conformity with the London Plan (LP).
5. Regulation 4 of the Town and Country Planning (Local Plans) (England) Regulations 2012 prescribes those bodies required by Section 33A of the 2004 Act to co-operate in maximising the effectiveness of the preparation of a development plan, so far as relating to a strategic matter. In the Statement of Engagement (April 2012) and elsewhere the Council has provided satisfactory evidence of its engagement with all those prescribed, where appropriate, and the relevant public bodies having planning and related responsibilities in the area, including adjoining Boroughs, during the plan preparation process.
6. This includes regular meetings of an external working group involving, amongst others, Greater London Authority (GLA), Transport for London (TfL), London Thames Gateway Development Corporation, English Heritage, Environment Agency and the Olympic Park Legacy Company (now succeeded by the London Legacy Development Corporation).

7. The Council is also required by law to incorporate the provisions of the Lee Valley Regional Park Authority's Plan in to the MDLP, so far as relevant. The Authority has been consulted and provided some modifications for inclusion in the MDLP that the Council has accepted, so I conclude that the duty to incorporate the relevant provisions of the Plan has been met. All of the above factors lead me to conclude that the duty to co-operate in respect of the preparation and progress of the MDLP has been satisfied.
8. The Borough's waste apportionment targets derive directly from the LP and the waste management hierarchy and strategy similarly from the CS, notably policy SP05. Neither can be renegotiated or arbitrarily amended through the vehicle of a development management policies and site allocations plan, which properly seeks only to set out in more detail how they should be met in policy DM14. Consequently, and in the absence of any representations from the Mayor/GLA or any other relevant public bodies to the contrary, there is no strategic level cross boundary issue involved here from which a specific "duty to co-operate" obligation arises in respect of waste matters in this plan.

Assessment of Soundness

Overview

9. The MDLP has been prepared in the context of the LP, an up to date adopted Core Strategy (September 2010) (CS) and a detailed Area Action Plan for Fish Island in the north east of the Borough (adopted September 2012). It is in accord with the strategy set by both of the former and with much of the evidence base in common with all three. Its policies and proposals seek to promote appropriate new development in the borough and it follows that, in general, the plan has been positively prepared; based on meeting objectively assessed local needs and infrastructure requirements.
10. Amongst other things, the examination tests the plan for consistency with national policy, as set out in the National Planning Policy Framework (NPPF) (March 2012). As submitted it complies in nearly all respects, one of which relates to para 15. This supersedes the requirement, formerly in para 4.30 of PPS 12, which advised against repeating or reformulating national policy in Local Plans, as it was unnecessary.
11. The NPPF now requires all plans to reflect the presumption in favour of sustainable development, clearly stating how it will be applied locally and a model policy has been prepared for use in Local Plans. Consequently, a new initial policy (DM 0), rather than the submitted text in paras D10 to D12 inclusive, is recommended to achieve full compliance with the requirements of para 15 of the NPPF (**MM 1**). As this represents an essential restatement of national policy to comply with the NPPF, which has itself been the subject of Sustainability Appraisal (SA) and is fully consistent with the aims and objectives of the MDLP, I conclude that no further SA is required.
12. In relation to para 157 of the NPPF, I agree with the Council that, in order to retain some flexibility on the strategic sites identified as largely mixed use redevelopment opportunities, it would not be appropriate in this particular plan to set out specific/detailed amounts of each type of development anticipated on each one over the plan period. To do so in the current local context could well act as an unnecessary constraint on the potential viability and delivery of particular schemes coming forward, given their inevitable complexity.

13. The Council's Note of October 2012 confirms that all the remaining saved and retained policies of the adopted Unitary Development Plan (1998), not already superseded by the adopted Core Strategy (CS) (2010) or the adopted Fish Island Area Action Plan (AAP) (2012), will be superseded by this Local Plan when adopted. This includes the UDP Proposals Map which will be superseded by this Local Plan's Policies (formerly Proposals) Map, except where it has already been superseded by the adopted Fish Island AAP (2012).

Main Issues

14. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have examined the plan in accordance with the four criteria for soundness set out in para 182 of the NPPF (para 1 above). From this examination I have identified fifteen main issues upon which the soundness of the plan depends. Representations on the submitted plan have been fully considered insofar as they relate to its soundness but are not reported on individually.

Issue 1 – Housing

Are the housing policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances ?

15. In relation to policy DM3, the GLA and developers consider that prioritising Social Rent dwellings and requiring any Affordable Rent units to be specifically justified in each case would seriously constrain the Council's ability to maximise the total provision of affordable housing, due to the inevitable impact on scheme viability, in most cases at least. At best, the policy requirement would delay the negotiations over applications. At worst, especially under the current national economic conditions, it would inhibit overall delivery by adding an undue burden onto the financial viability of many projects, in conflict with national guidance in paras 173 and 174 of the NPPF.
16. In addition, at the national and strategic levels both the government and the Mayor/GLA clearly intend that new Affordable Rent dwellings should essentially address the same housing needs as Social Rent, without any preference for one or the other, or including a "cascade" approach, depending on scheme viability, whereby the latter is always prioritised. This is evidenced in the Ministerial letter of 2 August 2012 and emerging policy 3.11 of the Revised Early Minor Alterations to the London Plan (June 2012).
17. The Council's Affordable Housing Viability Study (2011) and Briefing Note on Affordable Housing (September 2012) confirm the present high levels of local need for new rented housing in the borough. They also show the difficulties likely to arise for some local residents in meeting even 80% of current average market rents in many parts of the borough, if not all.
18. Nevertheless, in this particular context, the borough must be seen as part of the effective single housing market across London and therefore play its part in helping to meet wider strategic, not just local, housing needs. Failure to do so would only exacerbate difficulties for other parts of the city. The fact that the borough has a relatively good supply of Intermediate type housing at present does not alter this conclusion.

19. Even though policy DM3 would now contain the phrase "maximise affordable housing output", the achievement of this objective would be negatively affected by the prioritisation of social rented housing, ahead of the new affordable rent type provision, particularly as available resources are very limited at present. Similarly, the implied introduction of maximum rents via Table 2 in para 3.3 would also have the direct result of reducing the total number of new dwellings available for rent in new housing schemes, due to the viability implications for providers.
20. Accordingly, it would be in conflict with the NPPF (see also para 216 thereof) and out of general conformity with the LP to always require priority be given to Social Rent provision and to larger family houses, as in the submitted version of part 1 of policy DM3. Moreover, the imposition of maximum percentages for Affordable Rent levels, in paras 3.3/3.4 and Table 2 in particular, does not constitute an appropriate element in a planning policy for the whole borough as, amongst other things, it would also restrict the total number of new rental units provided overall for viability reasons. Both would be contrary to the firm intent of the NPPF and out of general conformity with the LP.
21. In the light of all of the above, as recommended by the GLA, policy DM3 needs to be modified by adding "/Affordable" between "Social" and "Rent" in the first sentence and deleting the second sentence starting "Affordable Rent", including parts a, b and c (**MM 3**). Paras 3.3 and 3.4 as well as Table 2 referring to Affordable Rent levels also need to be deleted (**MM 9**), with consequential changes made to paras 3.1, 3.2 and Table 1 (**MMs 6-8**). Of course, the Council may still use other powers and their own resources to help meet specific local housing needs in particular areas, where possible.
22. The requirement under part 1.b of policy DM4 for all new affordable homes to have a separate kitchen and living room is unreasonably restrictive and may also result in the provision of fewer new units in total, due to the design constraints and additional costs imposed. It could not realistically be applied to any new private housing. Whilst, as para 4.2 of the plan says, "many prefer separate rooms", it is not always essential as distinct from desirable in non or smaller family units and should be deleted as unsound (**MM 11**).
23. In contrast, the expectation in part 2 of policy DM5 that specialist housing units should normally be replaced within a redevelopment scheme, unless there is no continuing need, is entirely reasonable and should be retained. The Council now recognises the need for further clarity in both policy DM3.3.b and para 3.8 of the text in relation to the circumstances where off site provision or payments in lieu of onsite affordable housing would be acceptable and proposes modifications accordingly (**MMs 4/5 and 10**). Subject to the modifications referred to above the housing policies are considered sound.

Issue 2 – Retail and Other Policies

Are these policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances ?

24. Neither the existing, the permitted nor the proposed uses envisaged during the plan period for the West India Quay area, including Hertsmere House, provides a clear justification in land use planning terms for the area to be

Tower Hamlets London Borough Council Managing Development Local Plan, Inspector's Report November 2012 added to the Canary Wharf Major Centre designation under policy DM1 (see also Issue 12 below) as they are not specifically town centre related. The same conclusion applies in respect of the Safestore site in relation to the Whitechapel District Centre, where additionally the scale of the land involved would constitute a major extension without particular justification, contrary to the relevant policies of the CS, the Town Centre Spatial Strategy (2009) and the Town Centre Boundaries and Balance of Uses Review (2011).

25. At Brick Lane the Council accepts that small anomalies in the definition of the District Centre should be rectified (by including nos. 107 and 115B Brick Lane) and will alter the boundary on the policies map accordingly. However, in common with other minor amendments, this does not relate to the overall soundness of the plan and therefore does not need to be listed as a main modification in the Appendix to this report.
26. The Old Truman Brewery at Brick Lane comprises roughly 50% of the district centre and is not yet fully re-developed whilst, at present, restaurants and hot food take-aways are mainly concentrated in the southern part of the district centre. Nevertheless, the restriction in policy DM1 to a 25% limit on the number of units in the centre as a whole occupied by such uses only applies to this one type of commercial operations and not to shops, offices, other businesses or dwellings.
27. It is clearly necessary in policy terms to help implement the CS objective of enhancing the centre as a location for a wider choice and mix of facilities to serve the general public, not just a concentration of restaurants and takeaways and/or a location for the evening/night time economy to flourish, as well as to limit impacts on the living conditions of local residents. Making an exception for the Old Brewery would undermine the effectiveness of the policy and is not essential to ensure that the ongoing regeneration of the site continues, given that alternative (including creative and cultural) uses, some of which are already becoming established in the locality, seem likely to prove equally viable over the plan period.
28. Additions to policy DM10 (Open Space) and supporting text are required for consistency with the Lea Valley Regional Park Authority's Plan (**MM 13**) (see para 7 above). However, it is not essential to include a reference to the Park Authority's statutory duty or the provisions of the Park Act in the Glossary, nor to add an unreasonable requirement for ongoing management, in addition to the justified one for restoration, to part 2 of policy DM12 (Water Space).
29. In policy DM12 the wording of the Council's proposed modification is unclear and the first sentence of part 2 should read "Development will need to provide suitable setbacks, where appropriate, from water space edges" for effectiveness and consistency with para 12.4 of the text (**MM 14**). Whilst reasonable for the policy to refer to "restoration", there is no planning justification for adding "and management" in this context. For the same reasons and general conformity with policy 7.28 of the LP, "and maintenance" should be deleted from the second sentence of para 12.4 (**MM 14**).
30. The Council's modification to part 1a of DM14 changing "elsewhere in the borough" to "within London" does not alter the need to comply with policy 5.17 of the LP but rather simply recognises that compliance may be achievable other than through re-provision within the borough itself (**MM 15**). In all other respects, these policies are considered to be reasonable and realistic, as

Issue 3 – Employment

Are the employment policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances ?

31. As submitted, part 1 of policy DM15 requires a 12 month marketing exercise to be undertaken before consideration can be given to alternative uses on an existing employment site. Bearing in mind the guidance in the NPPF, including paras 22 on reasonable prospects and 173 on viability, as well as the debate at the hearings, it is clear that this provision should not apply to the plan's site allocations to avoid any unnecessary delay to their implementation. Para 15.4 needs a new sentence at the end for clarification accordingly (**MM 18**).
32. Moreover, for the same reasons, including in terms of economic viability, the Council now accepts that where a site is demonstrably unsuitable for continuing employment use from the outset, it should not be necessary to undertake the marketing exercise and thereby place an unjustified burden on redevelopment or alternative use proposals. Part 1 of the policy should therefore be modified to reflect this and also by adding "viability" to the other relevant criteria for consistency with the NPPF, improved effectiveness and so as not to hinder the delivery of appropriate schemes (**MM 17**).
33. Regarding policy DM16 relating to Local Office Locations (LOLs), the requirement in part 3a for a two year active marketing period of vacant sites/space is also excessive in terms of identifying the relevant "market signals", as referred to in para 22 of the NPPF. It should be reduced to 12 months, to assist effectiveness, which would also provide consistency with policy DM15 (**MM 19**).
34. In the four Preferred Office Locations (POLs), an addition to para 16.3 is necessary to clarify that supporting uses, including hotels, restaurants, leisure and retail, are acceptable in principle alongside major office schemes to help achieve viable and sustainable environments, as put forward by the Council (**MM 20**). The words "and intensify" and "growing" should also be deleted from the last sentence as not strictly essential/accurate at present (**MM 21**), particularly in the light of the latest London Office Policy Review (Sep 2012).
35. However, the general acceptance of new residential uses in POLs in policy terms would be inappropriate as specifically contrary to CS policy SP06 2a, as well as the current objectives of the CS relating to these areas. Any change of policy in this respect is for the forthcoming CS Review to consider in the light of the NPPF guidance, including on "market signals", and the LP strategy.
36. The priority in policy DM17 is to safeguard industrial floorspace (use classes B1c, B2 and B8) but this does not preclude mixed use redevelopment schemes, including residential, providing that there is no net loss of the former involved. This is entirely consistent with the relevant policies of the LP and SP06 of the CS, as well as taking into account the wide range of business and related activities that fall principally within these use classes.
37. Moreover, the list in para 17.1 is not exhaustive and new social/community

Tower Hamlets London Borough Council Managing Development Local Plan, Inspector's Report November 2012
facilities as referred to in policy DM8, such as for the police, are not excluded subject to meeting the criteria set out in the policy. Accordingly, there is no necessity to make any special policy provision for police and/or other emergency services, as any such proposals can be considered on their own merits and on a case by case basis, including in respect of on site parking.

38. In the light of the above modifications and particularly also the flexibility now inherent in each of these policies, the boundaries for both POLs and LOLs are considered to be coherently defined in the plan, in accordance with strategic planning objectives and local circumstances, with no changes required for soundness. This includes in respect of the Tower Gateway and Blackwall LOLs, despite their somewhat different characteristics. Subject to the modifications referred to, the employment policies are considered to be sound, supported by suitable evidence, and relevant to local needs, as well as clear, deliverable and consistent with national and strategic guidance.

Issue 4 – Education

Are the education policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances, including in relation to student accommodation ?

39. Part b of policy DM6 on student accommodation conflicts with guidance in the LP in seeking to restrict the provision of new, purpose built, units to universities in the borough only. In particular, this rather parochial approach fails to recognise that student housing needs in London are more strategic in nature and may well cross borough boundaries depending on the exact location of institutions and their public transport links, in addition to also arising from further education colleges.
40. As well as potentially restricting legitimate choice, such a policy limitation might also act as a form of precedent for other boroughs to follow, thereby creating difficulties across the capital, including in the implementation of policy 3.8 of the LP. Accordingly, to be sound, the words "within the borough" should be deleted from the policy, with "colleges and" added after "accredited" (**MM 12**). With this modification it would be reasonable in principle in planning policy terms to require an appropriate affordable housing contribution from any "speculative" projects not directly linked to such institutions, but that also meet the other criteria listed in the policy, as they would be effectively the same as normal market housing.
41. Concerning policy DM18 on schools, there are criticisms regarding consistency with policy SP07 of the CS, notably in relation to secondary provision and the identification of new sites. In particular, it is argued that sites outside the 3 "areas of search" set out in part 2a of the CS policy should not be pursued as they are neither necessary overall nor justified in these particular locations. Part 2c says that the Sites and Placemaking DPD, which has now been subsumed into this plan, will identify the most suitable sites for new schools within the areas of search, amongst other things.
42. However, part 2d adds that future needs for additional school places will be monitored throughout the lifetime of the plan, whilst part 3b also seeks to ensure that secondary schools are located in highly accessible locations and integrated into movement routes as they generate trips from a wide

Tower Hamlets London Borough Council Managing Development Local Plan, Inspector's Report November 2012 catchment area. Therefore, it does not follow from policy SP07 that over the plan period new secondary school sites can only be identified in the 3 areas of search set out therein, or that policy DM18 is in conflict with the CS if this proves necessary to find additional sites to meet emerging local needs.

43. Furthermore, since the evidence supporting SP07 was prepared in 2009, directly relevant new material considerations have emerged that the Council must now take into account in relation to local needs for new school places, leading to a different scale of demand for new sites. Firstly, para 72 of the NPPF says clearly that Councils should give "great weight" to the need to create, expand or alter schools and this must logically apply to Local Plans assessing needs over the plan period just as to specific proposals.
44. Secondly, London as a whole is currently experiencing acute problems with school places. Thirdly, there has been a significant increase in the total population of the borough between 2001 and 2011, as revealed in the initial 2011 Census results (the highest percentage rise in the UK). Fourthly, existing secondary schools in the locality, including in adjoining boroughs, are largely at capacity, with considerable pressure on the existing education estate to provide new places in an already densely built up area.
45. Whilst the Council has a recent track record of delivering new schools and providing the necessary funding from various sources (including recently at Bow Lock - thereby also facilitating other improvements elsewhere), this cannot continue without suitable sites being available. It is especially difficult for secondary schools, which require about 1.5ha of land each under normal circumstances, and may take 2-5 years from start to completion to deliver.
46. Non traditional options, including as part of mixed uses with new housing above or the reuse of office buildings, might be possible in certain circumstances but are unlikely to provide a complete solution. Therefore, whatever the exact figures, the likely scale of need for new secondary school places in the borough over the plan period justifies, in principle, the Council's search for additional sites in the plan, over and above those in the 3 areas of search set out in policy SP07 of the CS.
47. Clearly, the identification of new school sites, both primary and secondary, needs to take into account the locations most likely to generate the extra pupils given that new housing rather than local population growth is the main source (around two thirds) of the increasing numbers. It is also common ground that, taking into account schemes already in the development pipeline, the majority of new housing over the plan period is likely to be in the east of the borough, rather than the west. Moreover, around two thirds of existing secondary school places are presently also in the western part of the borough. Consequently, the need is clearly greater and more urgent in the east.
48. However, bearing in mind the relatively limited geographical extent of the borough, the extensive and improving public transport network across the area and part 3b of SP07, this does not mean new provision in the west of the borough will not be required and/or should be ruled out over the plan period. This is especially so if suitable (and viable) opportunities arise as part of major redevelopment schemes that themselves include strategic levels of new housing but were not anticipated when the CS was drawn up. Furthermore, secondary school catchment areas are often flexible, influenced by parental choices as well as public transport links, and/or adjustable if necessary.

49. Turning to the likely level of need over the plan period, the Council's estimates of new secondary school places are partly based on an average scale of new housing delivery (about 4,300 per year) that significantly exceeds not only the number of units delivered over the last few years but also, more importantly, the strategic requirements of the LP (around 2,900 per year).
50. Recent local experience indicates that actual final densities on specific sites may well be in excess of the original, understandably cautious, expectations and that total delivery in the borough would be higher as a result. Moreover, it is entirely appropriate to plan for the delivery backlog of earlier years to be made up later in the plan period. Nevertheless, a scale of new dwelling delivery in the borough of above 5,000 in some years, as assumed by the Council, would be difficult to achieve in practice and seems to be something of an overestimate. This has led to a small degree of overestimation of the new secondary school places required accordingly, albeit tempered by the need to also cater for population growth.
51. However, the need for new school sites is properly based on a standard size of 900 – 1,200 pupils (6 – 8 form entry). Therefore, taking all of the above into account, including the NPPF guidance on this matter, it is reasonable to conclude that at least 2 new secondary school sites, in addition to existing commitments, are likely to be required to meet local needs in the borough over the plan period and that Table 6, as modified for clarity, (**MM 23**) is sound accordingly.
52. Matters relating to the viability of development on specific sites are addressed under other issues later in this report. Nevertheless, in the light of all of the above, policy DM18, including Table 6, is considered consistent with the NPPF, the LP and the CS, reasonable and realistic in relation to all relevant current circumstances and supported by clear and robust evidence of local needs.

Issue 5 – Transport

Are the transport policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances ?

53. Part 1 of policy DM22 confirms that all new development will be required to comply with the parking standards set out in Appendix (App) 2 of the plan. In response to criticisms over implementation the Council proposes to modify the wording of para 22.2 of the supporting text (**MM 24**), which is necessary for clarity and effectiveness. In respect of emergency (fire, police, ambulance) service facilities, App 2 treats such uses as "sui generis" and an appropriate, site specific, level of parking provision would be considered on a case by case basis. This is entirely consistent with the NPPF and the LP, including the Parking Addendum to Chapter 6.
54. In respect of the parking standards for office (B1a) and residential (C3) development in Table 1 of App 2, representors say the maxima are significantly reduced from those currently applied via non statutory Interim Planning Guidance, not consistent with the LP, unreasonably and unrealistically low and would be the most extreme in the capital if adopted. In contrast the Council's evidence, including in the 2011 Review of Parking Standards, predicts an increase of around 50% in vehicle trips locally arising from the

Tower Hamlets London Borough Council Managing Development Local Plan, Inspector's Report November 2012
growth anticipated over the CS period, based on analysis of the TfL sub regional model for east London. There are some doubts about the accuracy of the 50% figure, not least as to whether traffic generation from existing, alternative and/or permitted uses has been fully taken into account in relation to growth. Nevertheless, in general, it supports the case for a reduction in the maximum permissible on site parking levels for these uses, mainly for road traffic congestion and air quality reasons.

55. However, bearing in mind the factors listed in para 39 of the NPPF and the overall need to plan positively for new development, the strategic importance of the CAZ and POLs, including Canary Wharf, for the local and national economy, the absence of analysis of the potential effects of such a change in the 2011 Review and the clear risks that imposing such stringent parking restrictions could pose for the economic viability of new office schemes, the existing LP standards should continue to apply to new offices (B1a) and hotels (C1) in Table 2 of App 2 (**MM 52**). The ongoing vitality and viability of the borough's town centres is also relevant in this context.
56. Turning to residential standards, the Council now acknowledges that it would be more effective in practice to base the maximum levels on PTAL ratings alone, rather than singling out Canary Wharf and/or the Isle of Dogs as separate geographical zones and this is entirely appropriate in principle. However, for the same reasons as set out above concerning offices, there is a significant risk that very restrictive new standards in Table 1 of App 2 would have a materially adverse effect on the economic viability of new housing schemes, alongside the cumulative impact of all other policy requirements, including affordable housing, and thus on delivery.
57. Taking into account the evidence provided on the relationship between car ownership and frequency of use in recent housing schemes in London, particularly during peak hours, the parking standards do not need to vary so much from the existing to have a positive effect in reducing the potentially harmful impacts of increased traffic congestion and reduced air quality locally.
58. Therefore, Table 1 should be modified as set out in the Appendix, albeit retaining the distinction between new dwellings of 3 bedrooms or more and of less than 3 bedrooms across the borough for the sake of clarity and effectiveness (**MM 53**). Importantly, this would also maintain a greater level of consistency with the LP, notably policy 6.13, and equivalent standards in other generally comparable boroughs. With these modifications the transport policies would meet the tests set out in the issue above.

Issue 6 – Design/Heritage/Climate Change

Are the design, heritage and climate change policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances ?

59. As submitted, parts 1 and 1a of policy DM25 are too restrictive and inflexible in relation to protecting the amenity and privacy of local residents to be consistent with the objectives of the NPPF (para 58), the LP (policy 7.6) and the CS (policy SP10). The Council acknowledges the need for rewording for effectiveness and to provide clarity (**MM 25**).

60. Regarding building heights in policy DM26, the Council confirmed at the hearings that Figure 9 was only ever intended to be illustrative, rather than necessarily seeking to impose specific maximum limits on particular areas. This being so, various modifications thereof are essential for clarification (**MMs 26 + 28**). Nevertheless, the clear policy intention that new proposals for tall buildings, as distinct from those already permitted, should take into account the town centre hierarchy, remains appropriate in principle and is therefore properly retained in part 1.
61. Similar conclusions apply in respect of part 2b of the policy, where a specific requirement for always providing a clear transition in heights between the Aldgate and Canary Wharf POLs and their surrounding areas would not be reasonable or realistic in all respects, not least in the light of outstanding permissions. Accordingly, the Council proposes that this is replaced by a more flexible expectation that each scheme should demonstrate how it responds to the differences in scale (**MM 27**).
62. This provides suitable scope for site specific circumstances (including PTALs) and individual design solutions to be properly taken into account, within the context of the overall CS objectives, any existing/future SPG, and the CABE/English Heritage "Guidance on Tall Buildings" (2007), as well as the London View Management Framework (March 2012) where relevant. The Council's proposed modifications to paras 26.1 and 26.4 (**MMs 29 + 30**), including adding references to the latter two documents, are therefore also recommended for clarity and consistency with the NPPF, the LP and the CS.
63. For consistency with the NPPF, notably para 133, policy DM27 needs to acknowledge in part 3 that only "designated" heritage assets are subject to demolition control (**MM 31**) and "sustains and enhances" should replace "respects, conserves and preserves" in part 1 of policy DM28 regarding World Heritage sites for consistency with the NPPF (**MM 32**).
64. In relation to policy DM29, addressing climate change, the submitted wording is not fully consistent with the NPPF (para 96) or the LP (policy 5.2) in failing to acknowledge that circumstances may occur where it is simply not feasible or economically viable to connect to a decentralised energy system. It should be modified accordingly (**MM 33**) by adding "unless it can be demonstrated that this is not feasible or viable". Consequential amendments are also required for consistency in respect of all Site Allocations that refer to district heating systems in the plan through adding ", where possible," (**MM 54**), with a definition added to the Glossary (**MM 51**).
65. Similarly, the Council's latest text for para 29.4 should also recognise the need for viability and site specific circumstances to be taken into account regarding mitigation measures to include "may" not "will" in line 11 and adding "having regard to viability and site specific circumstances" at the end (**MM 34**). With these modifications, the design, heritage and climate change policies would be sound and justified by appropriate evidence, as well as clear and deliverable.

Issue 7 – Shoreditch [SA1]

Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?

66. The Council now acknowledges an inconsistency between the MDLP text relating to the design principles for SA1 and the Bishopsgate Goods Yard Interim Planning Guidance (EB30) (2010), adopted by the Council and the LB of Hackney. This concerns the joint objective of focussing larger scale buildings to the west of Braithwaite Street around Shoreditch High Street Overground Station in the LB of Hackney.
67. As agreed at the hearings, this needs to be rectified for clarity and effectiveness by deleting the reference to "scale decreasing from west to east" from the list of design principles (**MM 37**). The Council will also be adding references to the latest supplementary planning guidance, where appropriate, to the plan's text for all Site Allocations, but this is not a soundness matter. Otherwise, the proposals for Shoreditch are satisfactory in all respects and require no further changes for soundness.

Issue 8 – Bethnal Green [SA2]

Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?

68. It is common ground that the demolition/remediation/equipment relocation costs for a former gas works are likely to be higher than average for previously developed land in London. Consequently, the Council proposes adding a statement to this effect under the implementation considerations for SA2 (Marion Gas Works and The Oval) (**MM 40**). Despite the up to date higher costs for this work now available, other robust evidence indicates that the comprehensive mixed use redevelopment envisaged, including a new local park, would still be economically viable under current conditions.
69. Furthermore, it was confirmed at the hearings that there are no longer any operational or other constraints to the site coming forward for redevelopment immediately, rather than "not before 2016" as originally stated in the plan. Therefore, this statement should be deleted as proposed (**MM 39**).
70. The exact alignments of the Green Grid routes through the site shown on the SA2 map/Fig. 16 will be a matter for detailed resolution at the planning application (or masterplan) stage. Nevertheless, the approximate "desire lines" are necessary to provide links with existing public highways adjoining the site and need to be shown on the plan for the benefit of all interested parties, including prospective developers and local residents.
71. Similar conclusions apply in respect of the final form and extent of the new local park as part of an overall scheme, although it remains necessary to specify a minimum size to ensure that all the sport and recreation uses that it is expected to accommodate can be included, in accord with the Council's open space standards. Therefore, the restriction specifically requiring it to be in a particular part or parts of the site, in advance of any masterplan or planning application, should be deleted (**MM 38**). No further changes are required to the plan in respect of site SA2 as the proposals for this area are otherwise sound, reasonable and realistic.
72. Sites of a non strategic scale, on which the plan does not rely to achieve its objectives, do not need to be identified as allocations or opportunities,

Tower Hamlets London Borough Council Managing Development Local Plan, Inspector's Report November 2012
irrespective of their previous planning histories, recent permissions or current proposals. This does not prevent their coming forward for redevelopment, if appropriate, with schemes considered against relevant LP and CS policies and in the light of all other relevant material considerations, including the strategic need for new housing across London.

Issue 9 – Bow Common [SA8]

Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?

73. As with SA2 at Bethnal Green, it is necessary to acknowledge that the costs of redeveloping the Bow Common Gas Works site are very likely to be above average for brownfield sites in London and add it to the list of implementation considerations (**MM 43**). Notwithstanding, other clear evidence confirms that, in general terms, a comprehensive redevelopment scheme on this site remains economically viable under present circumstances. Similarly, as the site is no longer subject to any operational or other constraints delaying its release for redevelopment this also needs to be reflected (**MM 43**). Subject to the above, the proposals for this area are sound.

Issue 10 – Wapping [SA4]

Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?

74. Regarding SA4, evidence from the Council's consultants and others confirms that, under current market conditions, the likely cumulative impact of all relevant, national, strategic and local standards, including for affordable housing and on site infrastructure, would mean that the scheme envisaged in the plan is not deliverable. In particular, the provision of around 1.5 ha for a new secondary school site within the area available for redevelopment would render any project that also meets all other requirements, such as for improved transport connections, economically unviable at present.
75. A rise in values may reasonably be anticipated over the plan period, particularly as regeneration takes place in other parts of the borough as well, including under the Olympic Legacy Scheme. Nevertheless, guidance in paras 173/174 of the NPPF, augmented by advice in Viability Testing Local Plans (June 2012), makes it clear that this should not be relied on to bring forward a project that is otherwise unviable now, if only to avoid the inherent uncertainty for all concerned. Accordingly, and also taking into account para 154 of the NPPF in particular, regarding clarity of expectation in relation to development proposals, the Council now proposes a number of modifications relating to this site.
76. In addition to updating the name to "London Dock" and deleting the first point under implementation considerations as the area is, theoretically, available now, the Council also acknowledges the need to avoid uncertainty by omitting policy references to alternative options/expectations in connection with the redevelopment of this significant strategic site (**MM 42**).

77. In line with the conclusions in respect of other sites (see SA18 below), it is not reasonable or realistic for the policy to require provision of a district heating facility without qualification. It may not prove feasible in practice and/or economically viable in the light of all relevant material considerations, including other service and infrastructure priorities. Therefore, whilst desirable in principle in accord with LP 5.2, the policy should be changed to add a further point stating the need to examine the options for such a facility, similar to that in relation to SA18, but omitting the requirement in the opening statement of SA4 (**MM 42**).
78. Notwithstanding the above, the available evidence indicates that, even with these changes, the scheme as anticipated in the plan would still not be financially viable as things stand. This includes reasonable basic assumptions on relevant build costs and land/housing values that are sufficiently detailed for the land allocation, as distinct from full application, stage of the planning process. However, taking into account the needs likely to be generated by new housing across the borough, the lack of capacity in existing schools (including in adjoining boroughs) and the population growth revealed in the 2011 Census results (the highest percentage in the country), there can be no doubt of the need for new secondary school sites locally (see Issue 4 above).
79. Given the significant total of new dwellings expected to come forward on this site and on others relatively close by, as well as the number of existing primary schools in the locality, this is likely to prove a sustainable location for a new secondary school to serve the area. There is also strong local community support for such provision. Although many other options have been considered, the evidence provided is not convincing in relation to all relevant factors, notably minimum size, but also location, availability and/or practical delivery, that any presents a superior alternative to positively meet this essential local need.
80. Nor is there any evidence to support the unprecedented claim that the mere presence of a new secondary school alongside new housing would, of itself, materially reduce final sales values. Taking into account the latest government guidelines allowing more design flexibility (**MM 22**), the relevant evidence nevertheless indicates that at present there are no better opportunities available on land owned or controlled by the Council that could reasonably and realistically provide an additional secondary school site of the necessary size and standards.
81. In particular, it is unlikely that the Council would be pursuing privately owned sites for new secondary schools, with all the attendant difficulties of securing their delivery, including possible compulsory purchase orders, if more straightforward options, such as land within their own estate or even the ownership of other public bodies, were genuinely available instead. Furthermore, the Council is clear that the necessary funds to build a new secondary school on this site (and others) would be raised from various sources, including government grants, once the land is available.
82. As modified, the plan properly places no timing, phasing or numerical restrictions on the redevelopment of SA4. Consequently, in accord with the guidance in para 72 of the NPPF regarding education, it is essential that the provision of a new secondary school site is confirmed as the first, non transport, infrastructure priority for the redevelopment of London Dock, despite the economic viability implications arising.

83. However, given the relevant evidence on residual land values and likely housing density in relation to the PTAL, this clearly means that other such requirements (apart from the Community Infrastructure Levy) that might otherwise be sought or expected by the Council will have to be scaled back, or even omitted entirely, for viability reasons. Additionally, a larger number of new dwellings/percentage of new housing than originally envisaged, possibly at a higher density and perhaps in taller than average buildings for the locality may well have to be permitted to achieve a deliverable scheme. The only other realistic option to comply with the relevant NPPF guidance would be to omit London Dock as a strategic allocation from the plan entirely.
84. In the light of the above, for clarity, certainty and soundness a new point needs to be added to the relevant text, relating to the new secondary school site; "A new secondary school site takes first priority over all other non transport infrastructure requirements including affordable housing, in relation to the redevelopment of this site, to ensure that it is economically viable and that the new school is provided in a sustainable location to help meet education needs arising across the borough." (**MM 42**).
85. With these modifications it should be possible for the Council, landowners and developers to devise a deliverable mixed use redevelopment scheme for London Dock that is sustainable, economically viable and provides the essential new secondary school site, even under current market conditions. However, it is very likely to have to have a greater number and/or percentage of new market housing, compared to affordable, amongst other changes from the scheme originally envisaged by the Council to accord with policy DM3.
86. In all the relevant local circumstances this outcome is clearly preferable to withdrawing the identification of London Dock from the plan as a non deliverable opportunity for viability reasons and/or failing to positively identify a new secondary school site, given the significant local need. Overall, taking into account the modifications, it may now be concluded that the plan is sound and clear in respect of the future of this site and likely to prove achievable.

Issue 11 – Poplar Riverside [SA11 and SA12] and Leamouth [SA13]

Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?

87. At Ailsa Street the submitted plan, at policy DM14b and para 14.5, and also in SA11, sought to safeguard the northern part of the overall site for an extended waste management facility; incorporating a smaller area of land currently occupied by an existing waste operation. This present facility does not have the benefit of planning permission and an enforcement notice was recently served (August 2012) to address the inadequate arrangements of waste transfer and storage activities.
88. Despite this, the Council is obliged, in accord with the LP and the CS, to identify sufficient land in the borough to meet its current waste apportionment. The available evidence is clear that it can only do so at present by the inclusion of the existing Ailsa Street site, at least for the time being, and that the location is suitable, in principle, for such provision.

89. However, it is now equally clear that an extended facility here, over and above the size of the existing one, is not essential to meeting that requirement and therefore the Council proposes to amend SA11 accordingly. This would restrict the land safeguarded for a new waste facility to the northernmost part of the site (Fig. 32), with the remainder of the area identified for a mixed use redevelopment, including new housing, employment and a primary school. For clarity, added references to the new waste facility being on the smaller safeguarded area only are also necessary in the text (**MMs 44/45**). The Ailsa Street Development Brief (2003), an adopted SPG, is already referred to as part of the key evidence base for this site.
90. With these modifications there would be a realistic prospect of an economically viable redevelopment scheme coming forward on the whole of the allocated land, incorporating a new waste facility on the northernmost part of the site. Subject to a suitable layout, access arrangements and detailed design, including compliance with CS policy SP05, it should prove possible to create local environmental conditions suitable for new housing and a primary school, amongst other things, on the larger southern part of the site, despite the proximity of a new waste facility to the north.
91. Therefore, the SA11 proposals represent an example of positive planning in delivering new development on a constrained site, without compromising the Council's ability to continue to meet its waste management obligations arising from the LP and in accord with CS policy SP05 and policy DM14 of this plan within the borough. As a result of the modifications necessary to make the SA11 proposals sound, it is also essential to modify policy DM14 by omitting the references to extending the Ailsa Street site in part 1b and para 14.5 of the supporting text (**MM 16**).
92. Regarding site SA12 (Leven Road Gas Works) the same conclusions apply as in respect of sites SA2 and SA8. Therefore, relevant modifications to acknowledge the costs of decommissioning, the delivery of new open space and the timing of land availability are also required (**MM 46**).
93. In relation to land at Leamouth South, adjoining SA13, the fact that a site is not allocated for development in the plan does not preclude it coming forward before 2025 if available and deemed suitable in the context of relevant adopted LP and CS policies, as well as those in this plan. This applies equally to sites not previously appraised at earlier stages of the plan process and whether or not it is, potentially at least, of a strategic scale, i.e. capable of delivering around 500 net new dwellings or more. However, there is no firm evidence of need for additional or extended strategic allocations at present.

Issue 12 – Canary Wharf [SA15 and SA16]

Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?

94. At Wood Wharf (SA16), the plan identifies a major mixed use redevelopment opportunity, incorporating both new housing and commercial space amongst other things, to the east of Canary Wharf Major Centre. Accordingly, it is appropriate that the policy should reflect this proximity, as well as the Council's proposed modifications to policy DM26 and Figure 9 in respect of new

Tower Hamlets London Borough Council Managing Development Local Plan, Inspector's Report November 2012 building heights and in the light of recent planning permissions in the locality. Consequently, the words "Complement the tall building cluster in Canary Wharf etc ..." should be added at the start of the first point under design principles, for clarity and consistency (**MM 47**).

95. Otherwise, the proposals for Canary Wharf and both SA15 (Billingsgate Market) and SA16 (Wood Wharf) are appropriate, justified by evidence, clear and deliverable by 2025. This includes in respect of the defined boundaries of the Activity Area and Major Centre, which are both logical and coherent in accord with the CS, and the Town Centre Spatial Strategy (2009) (EB70) and the Town Centre Boundaries and Balance of Uses Review (2011) (EB68). Moreover, notwithstanding the arrival of Crossrail, neither needs to be extended nor further site specific allocations made in order that suitable redevelopment schemes for complementary uses can come forward on adjoining/nearby sites, such as Hertsmere House and Cuba Street.

Issue 13 – Millwall [SA17 and SA18]

Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?

96. Although the Millennium Quarter Master Plan was published in 2000 and has not been properly updated since, it remains relevant to the sustainable development of the locality, albeit non statutory. It is therefore appropriate to introduce a direct reference to it into SA17, as the Council will do for all sites, albeit not a soundness matter. It is equally appropriate that the Council has also agreed to reflect the potential of the Glengall Bridge site by identifying it as a "development parcel" in Fig. 43 (**MM 48**).
97. The potential provision of moorings (residential and/or tourist) along the docksides does not need to form part of the strategic delivery of this scheme or of new housing on this site and so does not need to be referred to in the policy wording. Any specific proposals can be considered on their own merits in relation to the relevant adopted policies of the LP, the CS and this plan once adopted. The matter of a new walking/cycling link across the dock in this locality is dealt with under Issue 14 below.
98. In urban areas the boundaries of site allocations are not normally determined by land ownerships, but rather by clear and logical physical limits within which a comprehensive development is most likely to be feasible within the plan period. In the case of SA18 (Westferry Printworks) the inclusion of the existing Tiller Leisure Centre, on the northern edge of the site fronting Tiller Road, may not be essential to the delivery of redevelopment on adjoining land in other ownerships. But, importantly, it provides additional access options as well as the potential for the provision of leisure facilities in connection with any scheme. In such circumstances there is a clear balance of advantage for inclusion within a slightly larger allocation, compared to exclusion, and no need to change Fig. 44 accordingly.
99. Nevertheless, it cannot be assumed that improving or replacing the existing centre is the only possible way that suitable leisure facilities can be provided in connection with a redevelopment scheme on SA18. Moreover, it would clearly be unreasonable to refuse permission for a scheme that excluded the leisure

Therefore, the penultimate point of the policy under important considerations needs to be deleted for effectiveness (**MM 50**).

100. Reflecting potential health and safety concerns, as well as the need to allow greater flexibility of layout to assist overall viability and thus delivery, the Council now acknowledges that the last point of policy SA18 requiring the new school site to be alongside the dock frontage, under design principles, is not appropriate and should also be omitted (**MM 50**). It is also common ground that a site allocation in a plan of this nature has to be clear and unambiguous in policy terms in the expectations applied to schemes. To that end, it is essential for clarity and effectiveness to delete any reference to different options for infrastructure requirements (**MM 50**).
101. Moreover, whilst desirable in principle in accord with LP policy 5.2 and potentially cost effective in practice, it is inflexible to insist on the inclusion of a district heating facility to serve the site when neither the practical arrangements nor the financial viability of such provision have yet been examined in any detail. Consequently, the opening statement for SA18 should omit that element as a requirement of any scheme and the fourth point under implementation modified to replace "connect to, or demonstrate" with "must examine" for effectiveness (**MM 50**).
102. Questions of viability concerning the delivery of redevelopment on this site and in particular the expected provision of a new secondary school site within the scheme are essentially the same as those dealt with under SA4 – London Dock – Wapping above. Consequently, the conclusions are also the same and thus similar modifications are necessary to make this allocation sound (**MM 49**).
103. In the light of the above, for clarity, certainty and soundness a new point needs to be added to the relevant text, relating to the new secondary school site; "A new secondary school site takes first priority over all other non transport infrastructure requirements including affordable housing, in relation to the redevelopment of this site, to ensure that it is economically viable and that the new school is provided in a sustainable location to help meet education needs arising across the borough." (**MM 50**). Overall, taking in to account the modifications, it is concluded that the plan is sound and clear in respect of the future of this site and likely to prove achievable over time.

Issue 14 – Cubitt Town [SA19 and SA20]

Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?

104. The design principles set out in the plan regarding these sites are considered to be justified and likely to prove effective. However, the provision of fully accessible active frontages on the northern and western sides of SA20 (Marsh Wall East) only on the ground floor of new buildings may not always prove acceptable in the local circumstances, depending on detailed design and all other relevant site specific considerations. Therefore, to limit the requirement to the ground floor only in the plan would not only introduce an unnecessary level of detail at this stage of any redevelopment process but also reduce flexibility and the opportunities for innovative design solutions to address this

105. The inclusion of a walking/cycling only link from the site directly north to Canary Wharf would be an important element of any suitable scheme to enhance accessibility in the area, as part of an overall movement network in the locality. However, it is also essential to ensure that the continuing use of the South Docks by larger vessels, such as those that visited Docklands during the recent Olympics/Paralympics, is not precluded by new physical constraints.
106. Notwithstanding the scale and nature of the structure likely to be required, it should be possible to design and build a pedestrian/cycle only crossing that spans the water but also creates no permanent barrier to the passage of larger vessels when necessary; potentially involving moving parts. Detailed design and implementation is a matter for a specific planning application rather than this plan. Therefore, there is no justification for this element of the proposals to be deleted from the text or Fig. 47 of the plan. As stated in Issue 13 above, the potential provision of moorings does not need to be in the policy.
- 107.** Suggestions that identified sites should be extended or additional sites allocated in the plan do not take account of the need for allocations to be strategic in nature, including in respect of associated infrastructure provision, and of a significant scale; the delivery of which is critical to achieving the overall vision for the borough and always with clearly defined boundaries on the ground enclosing coherent areas. Importantly, the absence of allocation/identification in the plan does not prevent their coming forward for appropriate redevelopment when available, in accordance with the relevant plan policies for the locality and the strategic need to maximise new housing provision across London. No such changes are needed for soundness regarding Cubitt Town and in all other respects the proposals are clear and likely to be delivered by 2025.

Issue 15 – Other Areas

Are the proposals for growth and change in these areas appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?

108. In relation to SAs 3, 6/7, 9/10 and 14/15, some are already being redeveloped (e.g. SA3 – Goodman's Fields), in accord with the expectations set out in the plan. SA5 (Southern Grove Lodge) and SA6 (Bow Locks) are intended exclusively for education use, whilst SA9 (Chrisp Street town centre) relates to the regeneration of an existing district centre and SA10 (Poplar Baths) solely to the restoration and re-use of a Grade II Listed Building.
109. As of 1 October 2012, SA7 (Bromley by Bow North East Quadrant) falls under the jurisdiction of the LLDC as the local planning authority concerning implementation and there is nothing to suggest that the plan's proposals for this area are not realistic and deliverable over the plan period. Given the element of flexibility in the relevant policies, similar conclusions can be drawn in respect of the comprehensive mixed use re-development of both SA14 (Blackwall Reach) and SA15 (Billingsgate Market). Accordingly, in the light of all of the above and taking into account the modifications proposed, it is reasonable to conclude that the proposals for growth and change in these areas are essentially sound and should prove deliverable by 2025.

Assessment of Legal Compliance

110. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Managing Development Local Plan (merged from the Site & Place Making DPD and the Development Management DPD) is identified within the approved LDS (December 2010), which sets out an expected adoption date of March 2013. The content is compliant with the LDS and the timing is in advance.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2012 and consultation has been compliant with the requirements therein, including that on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (November 2011) sets out why AA is not necessary.
National Policy	The Managing Development Local Plan complies with national policy, except where indicated and modifications are recommended.
London Plan (LP)	The Managing Development Local Plan is in general conformity with the LP, except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Managing Development Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

111. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

112. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Managing Development Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Nigel Payne

Inspector

This report is accompanied by the Appendix containing the Main Modifications

Agenda Item 9.4

Committee/Meeting: Council	Date: 17 th April 2013	Classification: Unrestricted	Report No:
Report of: Corporate Director (Resources) Originating officer(s) Simon Kilbey, Service Head (Human Resources & Workforce Development)		Title: Localism Act 2011 – Pay Policy Statement 2013/14 Wards Affected: All	

Lead Member	Cabinet Member for Resources
Community Plan Theme	All
Strategic Priority	Work efficiently and effectively as one Council

1. **SUMMARY**

- 1.1 Under Section 38(1) of the Localism Act 2011, the Council is required to adopt a pay policy statement for each financial year. The Council's first pay policy statement was adopted for 2012/13. The statement for 2013/14 should be approved and adopted by 31st March 2013 and is submitted to this Council meeting to enable it to be published as soon as is practical in the new financial year.
- 1.2 Appendix 1 to this report sets out the draft policy statement for consideration by the Council. The draft statement was considered by the Human Resources Committee on 27th March 2013 and the attached version incorporates amendments agreed by the Committee.
- 1.3 The pay policy statement sets out the Council's current policies and practice in relation to pay for all parts of the workforce, with the exception of school based employees. Any changes to the way in which staff are remunerated would need to be dealt with as outlined in section 8.1 – Legal comments.

2. **DECISIONS REQUIRED**

- 2.1 The Council is recommended to adopt the authority's Pay Policy Statement for the year 1 April 2013 to 31 March 2014 as recommended by the Human Resources Committee and attached at Appendix 1 to this report.

3. **REASONS FOR THE DECISIONS**

- 3.1 The Localism Act 2011 requires Local Authorities to adopt and publish a pay policy statement for each subsequent financial year by 31st March in any

year. Statements have to be approved by Full Council and have regard to the guidance published by the Secretary of State. The most recent guidance was issued in February of this year and is reflected in this report. Authorities will be constrained by their policy statement when making determination on senior officer pay, although the statement may be amended at any time by further resolution of Full Council.

4. ALTERNATIVE OPTIONS

- 4.1 As the publication of a pay policy statement is a legislative requirement, there are no alternative options.

5. BACKGROUND

- 5.1 As detailed in the report to the HR Committee on 29 February 2012 and subsequently to the Council, the pay policy statement must set out the Authority's policies for the financial year relating to the remuneration of its officers. This must include:

- A policy on the level and elements of remuneration for each chief officer
- A policy on the remuneration of lowest paid employees (together with a definition of 'lowest paid employees' and reasons for adopting that definition)
- A policy on the relationship between the remuneration of chief officers and the remainder of the workforce
- A policy on other specific aspects of chief officers' remuneration (remuneration on recruitment, increases and additions to remuneration, use of PRP and bonuses, and the approach to termination payments).
- The publication of and access to information relating to the remuneration of chief officers

- 5.2 Additionally, the Council must have regard to other statutory guidance or recommendations e.g. relating to pay multiples, but it should be noted that the statutory guidance emphasises that each LA has the autonomy to take its own decisions on pay and pay policies.

6. BODY OF REPORT

- 6.1 The draft pay policy statement takes into account the LGA/ALACE guidance issued to Local Authority Chief Executives, and the statement details the Council's current arrangements, using the definitions contained in the Act and associated guidance. It also follows the approach taken by other London Councils. The Act also requires the Council to have regard to statutory guidance entitled 'Openness and accountability in local pay' under the Transparency Agenda. The original guidance was published in 2012, with updated guidance published in February 2013.

- 6.2 The guidance defines 'senior executive' which for the purpose of the Council's statement are the posts of Chief Executive/Head of Paid Service, Corporate Directors and the Assistant Chief Executive. The Act defines who is included

under the term “chief officer”. It includes the Head of Paid Service (Chief Executive), the monitoring officer, the statutory chief officers as well as non-statutory chief officers and deputy chief officers (managers who report directly to a chief officer.)

- 6.3 The February 2013 guidance states the pay policy statement should set out the Council’s position in relation to appointments to posts with salary packages over £100,000 and redundancy packages over the same amount and paragraphs to this affect are included in the 2013/14 pay policy statement.
- 6.4 The only other amendments from the 2012/13 pay policy statement are an update to the pay ratio figure as set out below, inclusion of reference to “Head of Paid Service” in relation to the Council’s management team, expanded information on terms and conditions other than NJC and a paragraph on the Teachers’ Pension Scheme.
- 6.5 The draft statement refers to information already published by the Council in relation to senior salary data to meet with the requirements of the Government’s transparency agenda.
- 6.6 There is a requirement to publish a ratio, or pay multiple. There are a variety of ways to approach this, but the Hutton Review of Fair Pay in the Public Sector (2011) supported the publication of the ratio of the Council’s highest paid employee (the Head of Paid Service) to that of its median earner (i.e. the mid point between the highest and lowest salaries). This multiple is quoted in the draft statement. The ratio last year was 1:6.5 and this year is 1:6.1. This change can be accounted for by the vacant Chief Executive post.
- 6.7 The pay policy statement 2013/14 also includes a policy in relation to staff who leave the Council due to redundancy/early retirement and their re-employment by the Council. This follows a proposal to include such a policy being considered by HR Committee on 14th November 2012.

7. COMMENTS OF THE HUMAN RESOURCES COMMITTEE

- 7.1 The Human Resources Committee on 27th March 2013 considered the draft Pay Policy Statement for 2013/14. The Committee endorsed the draft statement subject to one amendment as below, and agreed that any changes prior to publication of the final version be delegated to the Head of Paid Service in consultation with the Service Head (HR and WD), the Chair of the Committee and the Monitoring Officer.
- 7.2 The amendment to the draft statement that was agreed by the Human Resources Committee relates to the second part of paragraph 12.5 which has been amended to read (new wording in italics):- “To allow for exceptional circumstances, when it might be necessary to reemploy someone sooner than after a year’s gap, a Corporate Director, in conjunction with the Service Head HR and WD *and the Chair of the Human Resources Committee*, have authority to waive the 1 year requirement, provided there is justification.”

8. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 8.1 There are no financial implications of publishing a pay policy statement, which describes current practice. Should any changes to pay policy be proposed (that result in an amended statement being published in future), the financial implications will be assessed at the point of that changes are proposed.

9. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 9.1 Section 38(1) of the Localism Act 2011 requires the Council to have a pay policy statement approved by full Council and published .The Act is clear that the function of setting the annual Pay Policy Statement may not be delegated to a committee, so the HR Committee must recommend the proposed Statement to Full Council for approval.
- 8.2 Although the pay statement covers all staff, particular focus is given to Chief Officers in the “Openness and accountability in local pay“ guidance issued by the government in 2012 and updated in new guidance in February 2013. The Council is required to have due regard to government guidance but provided it has done so it may decide not to follow it. Statutory regulations and Acts of Parliament must be followed.
- 8.3 The Guidance makes it clear that as the pay policy statement sets the general principles and does not contain personal data, there is an expectation that it will be considered in the parts of the meetings which are open to the public. That is consistent with Schedule 12A of the Local Government Act 1972 (as amended)
- 8.4 The Guidance also provides that Full Council should be offered the opportunity to consider salary packages in excess of £100k before they are offered. These packages include any form of remuneration which is defined widely and includes not just basic pay/salary but also any bonuses, charges, fees e.g. election fees or allowances, benefits in kind, increases in/enhancements of pension entitlements and termination/severance payments. Remuneration in relation to employees who are not chief officers is also similarly widely defined
- 8.5 Should there be any changes contemplated in the policy, these would need to go through a detailed consultation process, given the impact on contractual entitlements. Consequently, the approach with the pay policy is to recommend that it is adopted setting out current terms i.e. compliant with the legislation. If there are future proposed amendments then these can be advised on separately in the fullness of time.

9. ONE TOWER HAMLETS CONSIDERATIONS

9.1 An equality analysis will be carried out on the draft policy statement, but it should be noted that the statement describes existing policies and practice rather than proposing new ones. Should there be amendments, further advice on the impact will be given.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.1 There are no implications.

11. RISK MANAGEMENT IMPLICATIONS

11.1 The draft statement describes existing policies and practice. Any risks, e.g. from proposing changes in the future to pay and benefits, would be assessed at the time.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

12.1 There are no implications.

13. EFFICIENCY STATEMENT

13.1 No changes to service delivery or the use of resources are proposed.

14. APPENDICES

Appendix 1 – draft pay policy statement

Local Government Act, 1972 Section 100D (As amended) List of “Background Papers” used in the preparation of this report

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
Localism Act 2011	Simon Kilbey, Service Head (HR/WD) 020 7364 4922
LGA / ALACE – ‘Localism Act: Pay Policy Statement Guidance for Local Authority Chief Executives’	
DCLG - ‘Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011’ Supplementary Guidance	

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London Borough of Tower Hamlets

Draft Pay policy statement 1 April 2013 – 31 March 2014 Agreed by HR Committee, subject to agreement of Full Council

1 Introduction

The Localism Act 2011 requires Local Authorities to produce a pay policy statement every financial year. This requirement is part of the Government's drive towards public sector transparency.

The Pay Policy Statement sets out the Council's current policies and practice in relation to pay for all parts of the workforce. The statement excludes school based employees. The Statement is made available on the Council's website, which also includes separately published salary information for senior managers as part of the Government's Transparency Code.

2 Scope

The policy addresses the requirements of the Localism Act and addresses key areas of pay and remuneration.

The Localism Act defines senior executives, and in this statement they are the Chief Executive, Corporate Directors, the Assistant Chief Executive (Corporate Management Team),

3 Pay and grading structure

The majority of employees' pay and conditions of service are agreed nationally either via the National Joint Council (NJC) for Local Government Services, or the Joint National Council (JNC) for Chief Officers, with regional or local variations.

The Council also employs some staff on Soulbury conditions of service, some on conditions determined by the Joint National Council for Youth & Community Workers, some staff covered by the School Teachers Pay and Conditions Document and some staff on locally agreed terms and conditions for Lecturers and Tutors.

It is the practice of the Council to seek the views of local trade unions on pay related matters, recognising that elements are settled within a national framework.

The Council uses national pay scales up to grade LPO8, and determines the appropriate grade for each job in accordance with the Greater London Provincial Council (GLPC) job evaluation scheme.

Above LPO8, local grades are in place for senior staff as follows:

- LP09 - evaluated under a local variation to the GLPC job evaluation scheme

- Chief Officers, Deputy Chief Officers (Service Heads and senior executives) and Key Chief Officers - evaluated under the Joint Negotiating Committee for Chief Officers job evaluation scheme

The Council signed a Single Status agreement in April 2008 with trade unions. This brought former manual grades into the GLPC job evaluation scheme, and replaced spot points with narrow grade bands. One of the key aims of the agreement was to eliminate potential pay inequality from previous pay structures and ensure that new pay structures are free from discrimination.

New and changed jobs are evaluated using the relevant job evaluation scheme, with the appropriate grade being determined using a range of factors.

The scale point on which an individual is appointed to the post is normally the lowest of the grade but will depend on skills and experience.

4 How the Council's management team is structured

The Council's Corporate Management Team is led by the Chief Executive/Head of Paid Service, supported by a number of Chief Officers reporting to the Chief Executive/Head of Paid Service. All statutory roles are at this level of the organisation.

Service Heads (Deputy Chief Officers) in each Directorate report to a member of the Corporate Management Team.

5 Senior Executive remuneration

Pay for senior executives who are members of the Corporate Management Team is made up of three elements:

- Basic pay (defined by a locally agreed grade)
- London weighting allowance
- Travel allowance payment

Service Heads (Deputy Chief Officers) receive basic pay (defined by a locally agreed grade).

Senior salary data is published on the Council's website as part of the Government's transparency agenda. For details, please see [INSERT LINK].

6 Senior appointments

All salary packages for posts at Chief Officer, Key Chief Officer or Deputy Chief Officer level are in line with locally agreed pay scales

7 Lowest paid employees

The Council's lowest paid staff are those who are paid on the Council's lowest scale point.

The Council has resolved that its lowest paid staff should not be paid less than the level of the London Living Wage. As a consequence in 2011 the pay levels for

the lowest paid employees, (including the Council's Apprentices) was moved up to Scale 1, (spinal column point 5), which is above the rate of the 2011 London Living Wage.

When the London Living Wage was increased in November 2012, further work was done to ensure the lowest paid employees had the pay increase reflected in their pay. As a consequence, the pay levels for the lowest paid employees, (including the Council's Apprentices) was moved up to Scale 1 (spinal column point 6), which is above the rate of the 2012 London Living Wage.

8 National pay bargaining

Annual pay increases across the Council's grades are set through the process of national pay bargaining which the Council subscribes to.

The Council contributes to the negotiation process by providing an employer view through the annual Local Government Employers' regional pay briefings. The employers' side then negotiate with trade unions at a national level.

National pay rates are set using a number of factors, including:

- The sector's ability to pay
- Movement in market rates
- Inflation levels
- Other pay awards
- The Government's policy position regarding public sector pay

9 Incremental progression

Incremental progression is on an annual basis for those staff who are not at the top of their grade. As per national conditions of service, progression is automatic for all staff (subject to general satisfactory performance) except Service Heads and Chief Officers who have to demonstrate satisfactory performance through a formal annual appraisal before being awarded incremental progression.

10 Additional payments and allowances

A range of allowances and payments are paid as appropriate to the nature and requirement of specific posts, groups of posts and working patterns. These include car and travel allowances, overtime, standby, weekend and night work, shift and call-out payments.

Acting up and honoraria payments are made to individual staff as appropriate using clear criteria, and where a clear business need is identified.

The Council has a staff relocation package, available to new entrants to the Council's employment, but subject to tight eligibility criteria.

The Council does not operate a performance related pay scheme or bonus scheme.

11 Pensions

All employees (with the exceptions set out below) of the Council up to 75 years of age and who have a contract of more than 3 months' duration are entitled to join the Local Government Pension Scheme (LGPS). Decisions on delegated provisions are agreed by the Pensions Committee. The LGPS is a contributory scheme, whereby the employee contributes from their salary. The level of contribution is determined by whole time salary and contribution levels are set by Government who then advise the employer.

All employees of the Council from 18 to 75 years of age and who are employed on Teacher, Youth Work or Tutor/Lecturer terms and conditions are entitled to join the Teachers' Pension Scheme. The Teachers' Pension Scheme is a contributory scheme, whereby the employee contributes from their salary and contribution levels are set by Government.

12 Compensation for loss of office

12.1 *Financial terms for redundancy*

The Council has a policy linked to its policy for Handling Organisational Change which sets out the terms for redundancy and early termination of staff (subject to qualifying criteria), which apply to Chief Officers and to all staff. In certain circumstances, individuals may also qualify for early release of their pension.

12.2 *Redundancy packages*

When it is proposed to delete a post at Chief Officer, Key Chief Officer or Deputy Chief Officer level, a report is submitted to the Council's HR Committee for consideration. If the proposal will result in a postholder receiving a severance package, the costs of such a package are included in the report.

12.3 *Ill health*

Where termination of employment arises from ill health, payments will be made in accordance with the contract of employment. In certain circumstances, individuals may also qualify for early release of their pension.

12.4 *Negotiated exits - settlements*

If it is determined that a negotiated settlement is appropriate for a senior executive in circumstances which do not amount to a dismissal, the Service Head (Human Resources & Workforce Development) will deal with the detail, and the Council's Chief Executive/Head of Paid Service after consultation with the Monitoring Officer (or in circumstances where it is not appropriate for one or other to be involved, the Chief Financial Officer) will consider whether the terms of the offer constitute value for money and are appropriate, fair and reasonable in the circumstances, and the proposed settlement shall then be subject to the agreement of the Human Resources Committee.

12.5 *Re-employment following redundancy/early retirement*

Any member of staff who has left the Council by reason of redundancy (compulsory or voluntary) or early retirement and received a severance payment is required to have a gap of at least 1 year after the date of termination before they can return either as a directly employed member of staff, an agency worker or a consultant.

To allow for exceptional circumstances, when it might be necessary to reemploy someone sooner than after a year's gap, a Corporate Director, in conjunction with the Service Head HR and WD and the Chair of the Human Resources Committee, have authority to waive the 1 year requirement, provided there is justification.

13 Pay multiples / comparisons

The Council's pay and grading structures reflect a wide range of job requirements and levels of responsibility across the organisation, with pay and grading being determined by the Council's job evaluation schemes.

The pay ratio demonstrating the relationship between the Council's highest paid employee (total salary package) and the median (mid point between the highest and lowest) salary position of the non schools workforce is **1 : 6.1**.

The Council will have regard to its pay ratio and keep it under review, seeking to balance the following:

- Ensuring appropriate reward mechanisms which value knowledge, skills and experience at a senior level, and ensure that the Council can recruit and retain the best talent
- Addressing its commitment to matching the London Living Wage for our lowest paid staff, and encouraging the developmental progression for staff in the lowest graded roles.

14 Equality issues

The policy elements described in this report derive from national terms & conditions and bargaining, or local discretion. The Council has a keen regard for equality issues and should any changes be made to the pay policy in the future, proposals would go through an Equality Analysis. One of the key aims of Single Status agreement was to eliminate potential pay inequality from previous pay structures and ensure that new pay structures are free from discrimination.

15 Review

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy Statement for each subsequent financial year. The Council's next Statement is scheduled to be for 2014/15 and will be submitted to Full Council for approval by 31 March 2014.

Should changes to pay policy be contemplated that would result in an amended statement being published in the year that it applies, these would be subject to a detailed consultation process before an appropriate recommendation was made to Full Council.

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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 17th APRIL 2013

CALENDAR OF MEETINGS 2013/14

REPORT OF THE SERVICE HEAD, DEMOCRATIC SERVICES

1. Summary

- 1.1 This report requests the Council to agree the programme of Council, committee and other meetings for the forthcoming municipal year.

2. Recommendation

- 2.1 That the Council approve the proposed calendar of meetings for the municipal year 2013/14 as set out at Appendix A.

3. Background

- 3.1 The Council Procedure Rules provide for the Council to agree a programme of meetings for each municipal year. A draft schedule of Council, committee and panel meetings is proposed for adoption at Appendix A.
- 3.2 The draft calendar follows the pattern set in previous years in respect of frequency of meetings/meeting days for the various committees, adapted to address any issues that have arisen during the year and taking into account service requirements.

4. Points to note

- 4.1 Local Government Elections are due to be held on Thursday 1 May 2014. However a consultation has been started by the government with a view to moving the election date to coincide with the European Elections due to take place a few weeks later (probably 22 May). Alternate Annual Council and related meetings have been provisionally arranged taking into account the two possible election dates. In either case the last regular meeting before the elections (with the exception of regulatory committees) will be Cabinet on 2 April 2014.
- 4.2 As in previous years, efforts have been made to avoid holding meetings during school holiday periods, with particular reference to August. However, it is necessary for a small number of meetings to be

held, particularly regulatory committees where time limits apply for the determination of applications.

4.3 Other key points to note in relation to the proposed calendar are:

- Full Council Meetings have been scheduled taking into account the reporting timetable for Budget and Policy Framework items.
- The Budget Council meeting is programmed for 26th February 2013. This will allow time for a second Budget Council meeting to be arranged on 6th March if necessary. An additional Overview and Scrutiny Committee meeting has been scheduled for Monday 20th January specifically to scrutinise the budget proposals.
- As far as possible meetings have been minimised during school holidays, major religious festivals and major political party national conferences. Where it is necessary to programme meetings during Ramadan, these are generally scheduled to begin at 5.30 p.m. to avoid continuing beyond Iftar.
- Appeals Committee has been programmed to meet on a monthly, basis.
- Reflecting the continuing high number of hearings, the Licensing Sub-Committee will continue to be scheduled fortnightly.
- The Appointments Sub-Committee will be convened on an ad hoc basis.

6. Start times of meetings

- 6.1 In accordance with Members' wishes, Cabinet meetings continue to be programmed for a 5.30 p.m. start. Full Council Meetings are scheduled for 7.30 p.m.
- 6.2 In relation to other committees and sub-committees, a range of different arrangements have developed over recent years (for example Licensing Sub-Committees and Health Scrutiny Panel start at 6.30 p.m.; Overview and Scrutiny Committee, Strategic Development and Development at 7.00 p.m.; and Standards Advisory and General Purposes Committees amongst others at 7.30 p.m.). Although this does not promote consistency, the arrangements do reflect the differing requirements of particular meetings and are therefore included unchanged in the draft calendar.
- 6.3 Investment Panel meetings are scheduled to take place on the same day as the Pensions Committee to facilitate Member attendance.

7. Observations of the Chief Financial Officer

7.1 There are no specific financial comments arising from this report.

8. Concurrent Report of the Assistant Chief Executive (Legal)

8.1 There are no specific legal implications arising from this report.

9. Implications for One Tower Hamlets

9.1 In drawing up this schedule of meetings, consideration has been given where possible to avoiding school holidays, known religious holidays and other dates which could inhibit attendance or participation by one or more section(s) of the borough's community.

10. Anti-Poverty Implications

10.1 There are no anti-poverty implications arising from the proposals in this report.

11. Risk Management Implications

11.1 The Council needs to have in place a programme of meetings to ensure effective and efficient decision-making arrangements.

12. Strategic Action for a Greener Environment

12.1 No implications arising from this report.

LOCAL GOVERNMENT ACT 1972 (SECTION 100D)

LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"	Name and telephone number of holder and address where open to inspection
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None.

CALENDAR OF MEETINGS FOR THE 2013/2014 MUNICIPAL YEAR

	USUAL MEETING DAY	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL
Audit Committee	7.00 pm Tuesday		25			17			17			18				
Cabinet	5.30 pm Wednesday	8	5	3 24		11	2	6	4	8	5	5	2	28*	25*	
Council	7.30 pm Wednesday	22	26			18		27		22	26	6 (Thu)% 26		14 (AGM) *	11 (AGM) *	
Development Committee	7.00 pm Wednesday	15	19	17 (5.30 pm)	14	12 (Thu)	9	14 (Thu)	11	15	12	12	9	7	4	
Appeals/Sub Committee	6.30 pm Monday	14 (Tue)	10, 24	22	19	23	14	18	16	20	17	24	28	12	16	
General Purposes Committee	7.00 pm Wednesday		17 (Mon)			26 (Thu)			18			19				
Health Scrutiny Panel	6.30 pm Tuesday		11			3		19		28		11				
Human Resources Committee	7.30 pm Wednesday			4 (Thu)			30			29		12				
King George's Field Charity Board	6.30 pm Wednesday		12				16			29		19				
Licensing Committee	7.00 pm Tuesday		4				8		10			11				

	USUAL MEETING DAY	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL
Licensing Sub Committee	6.30 pm Tuesday or Thursday	2 (Thu) 16 (Thu) 30 (Thu)	11 25	16 25 (Thu)	6 20	3 17	3 (Thu) 17 (Thu) 29	12 26	12 (Thu) 19 (Thu)	14 28	11 25	13 (Thu) 25	8 24 (Thu)	8 (Thu) 20	3 17	1
Overview & Scrutiny Committee	7.30 pm Tuesday	7	4	2 23 (5.30 pm)		10	1	5	3	7 20 (Mon) ^	4	4	1	27*	24*	
Pensions Committee	6.30 pm Thursday		13			19		14			27					
Standards (Advisory) Committee	7.30 pm Tuesday		18				24 (Thu)			14		18				
Strategic Development Committee	7.00 pm Thursday		6	18 (5.30 pm)	29		10	21		9	27		3	15		3
Tower Hamlets Health and Wellbeing Board	Dates set by the Board		20 (Thu)			30 (Mon)			19 (Thu)							

Key to Symbols

* These dates are dependent on the date of the 2014 local elections

^ Additional Overview and Scrutiny Meeting specifically to consider the draft budget proposals

% Provisional second budget Council date if budget not agreed at first meeting

NOTES:

- OTHER MEETINGS including Appointments Sub-Committee arranged on an ad hoc basis as required. Investment Panel meetings will be scheduled on the same day as Pensions Committee (after Pensions Committee on 13 June and before it on the other dates)
- BUDGET & COUNCIL TAX SETTING: Statutory deadline 10th March. Date of meeting set to enable receipt of GLA precept information.
- ELECTIONS: Local Government Elections – 1st May 2014 or combined with European Elections (likely 22nd May 2014)
- RAMADAN provisional dates: 9th July 2013 – 8th August 2013 (to be confirmed) and 18th June – 17th July 2014 (to be confirmed)
- ROSH HASHANAH - 5th & 6th September 2013; YOM KIPPUR – 14th September 2013
- EID-UL-ADHA provisional date: 15th October 2012, ASHURA: 13th November 2012
- EASTER 2013: Good Friday 18th April 2014, Easter Monday 21st April 2014.

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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 17th APRIL 2013

MEMBERS' ALLOWANCES SCHEME 2013/14

REPORT OF THE SERVICE HEAD, DEMOCRATIC SERVICES

1. SUMMARY

- 1.1 Part 6 of the Council's Constitution sets out the Scheme of Members' Allowances. This provides for a Mayor's Allowance to be paid to the Mayor; a Basic Allowance to all Councillors; Special Responsibility Allowances for specified member roles; Dependants' Carers' and Travel/Subsistence Allowances; and an attendance allowance for co-opted members of the Standards Advisory Committee and the Overview and Scrutiny Committee.
- 1.2 By law the Council must agree the Scheme of Members' Allowances annually, before the start of the year to which it applies. The proposed Scheme of Members Allowances for 2013/14 is attached at Appendix 'A' to this report and is unchanged from the 2012/13 Scheme with the exception of minor alterations to reflect amendments to the Local Government Act 2000 made by the Localism Act 2011.

2. RECOMMENDATIONS

- 2.1 That the London Borough of Tower Hamlets Members' Allowances Scheme 2013 be adopted as set out at Appendix 'A' to this report.

3. BACKGROUND

- 3.1 In accordance with Statutory Instrument (SI 1021/2003) the Council is required to agree a Scheme of Members' Allowances on an annual basis. The Scheme may include an annual index-linked adjustment of allowances, but it must be subject to a full review at least every four years, taking into account the recommendations of an Independent Remuneration Panel.
- 3.2 The current scheme is included at Part 6 of the Council's Constitution and it is proposed that this should be re-adopted unchanged for 2013/14 as set out at Appendix 'A' to this report.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The scheme includes provision for indexing Members' Allowances in line with the local government pay settlement. Any costs arising from the indexing of allowances will be met from within existing budgets.

5. COMMENTS OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 5.1 Section 18 of the Local Government and Housing Act 1989 permits the Secretary of State, by regulations, to make a scheme providing for the payment of a basic allowance, an attendance allowance and a special responsibility allowance to members of a local authority. Section 100 of the Local Government Act 2000 permits the Secretary of State, by regulations, to provide for travelling and subsistence allowances for members of local authorities, allowances for attending conferences and meetings and reimbursement of expenses. In exercise of these powers the Secretary of State has made the Local Authorities (Members' Allowances) (England) Regulations 2003.

- 5.2 The Regulations require the council to make a scheme before the beginning of each year for the payment of basic allowance. The scheme must also make provision for the authority's approach to special responsibility allowance, dependants' carers' allowance, travelling and subsistence allowance and co-optees' allowance. The scheme may also provide for other matters of the kind dealt with in the proposed scheme.

6. IMPLICATIONS FOR ONE TOWER HAMLETS

- 6.1 The payment of Members' Allowances helps to ensure that people from all parts of the community within the borough are able to serve as elected members. This promotes effective community leadership and accountability, to the benefit of the whole borough and all its communities.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT (SAGE)

- 7.1 There are no direct SAGE implications arising from the recommendations in this report.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 There are no direct risk management implications arising from this report.

**LOCAL GOVERNMENT ACT 1972, SECTION 100D
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper" Name/telephone number of holder

None.

APPENDIX 'A'

London Borough of Tower Hamlets: Members' Allowances Scheme

(Part 6 of the Council's Constitution)

This Scheme is made by the London Borough of Tower Hamlets in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended.

1. This Scheme shall be called The London Borough of Tower Hamlets Members' Allowances Scheme 2013 and it shall come into effect on 1 April 2013. The Scheme shall apply to the Mayor, Councillors and Co-opted Members of the London Borough of Tower Hamlets.

Basic Allowance

2. Subject to paragraph 8, a basic allowance of £10,065* shall be paid to each Councillor for each year. The Basic Allowance shall not be payable to the elected Mayor.
3. The basic allowance of £10,065* shall be payable with effect from 1 April 2013.

*[*Note: Paragraph 11 of this scheme provides for the amounts marked * to be adjusted with effect from 1st April 2013 to reflect the annual pay settlement for local government staff when this is agreed.]*

Special Responsibility Allowance

4. Subject to paragraphs 5-8, a special responsibility allowance shall be paid for each year to those Members who hold a position of special responsibility as specified in Schedule 1.
5. The amount of each such allowance shall be the amount specified against the respective special responsibility in Schedule 1 and it shall be payable with effect from 1 April 2013.
6. Any special responsibility allowance payable under paragraphs 4 and 5 shall be in addition to the basic allowance payable under paragraph 2 above.
7. Any Member who holds more than one position of special responsibility shall receive only one special responsibility allowance which shall be at the higher level.

Part-Year Entitlement

8. If, in the course of the year, this scheme is amended or a Member's entitlement changes, the relevant basic and/or special responsibility

allowance shall be calculated and paid pro-rata during the particular month in which the scheme amendment or entitlement change occurs.

Dependants' Carers' Allowance

9. A maximum of £7.26* per hour shall be paid to those Members who necessarily incur expense in arranging for the care of their children or other dependants to enable them to undertake any of the activities specified in Schedule 2 to this Scheme.
10. The following conditions shall apply:
 - payments shall be claimable for children aged 15 or under or for other dependants where there is medical or social work evidence that care is required;
 - only one weekly payment shall be claimable for the household of each Member, unless the Council's Standards Advisory Committee considers there are special circumstances;
 - the allowance shall be paid as a re-imbusement of incurred expenditure against receipts;
 - the allowance shall not be payable to a member of the claimant's own household;
 - any dispute as to entitlement and any allegation of abuse shall be referred to the Council's Standards Advisory Committee for adjudication.

Indexation

11. The Basic, Special Responsibility, Mayor's and Dependants' Carers' Allowances shall be adjusted annually to reflect the annual pay settlement for local government staff. The adjustment shall take effect on 1 April in each year, or the date on which the settlement takes effect, if later.

Travel and Subsistence Allowance

12. An allowance shall be paid to any Member for travelling and subsistence undertaken outside the Borough in connection with any of the duties specified in Schedule 2.
13. An allowance shall be paid to a co-opted member of a Committee, Sub-Committee or Panel of the Council for travelling and subsistence in connection with any of the duties specified in Schedule 2, irrespective of whether the meeting or duty is inside or outside the Borough.

14. The amounts payable shall be the amounts which are for the time being payable to officers of the Council for travelling and subsistence undertaken in the course of their duties.

Co-optees' Allowance

15. Subject to paragraph 16, a co-opted member of the Standards Advisory Committee, the Overview and Scrutiny Committee or the Health Scrutiny Panel may claim a co-optees' allowance of £117* and a co-opted member who is appointed as Chair of the Standards Advisory Committee may claim a co-optee's allowance of £240*, for attendance at any meeting of the Committee or the Panel or attendance at any conference or training event, where attendance is on behalf of and authorised by the Council.
16. A claim for co-optees' allowance shall be made in writing within two months from the date of attendance at the meeting, conference or training event.
17. Where a member is suspended or partially suspended from his or her responsibilities or duties as a co-opted member under Part III of the Local Government Act 2000, any co-optee's allowance payable to him or her for the period for which he or she is suspended or partially suspended, may be withheld by the Council.

Recovery of Allowances Paid

18. Any allowance that has been paid to a Member after he or she has ceased to be a member of the Council, or is for some other reason not entitled to receive the allowance for a specified period, may be recovered.

Claims and Payments

19. Subject to paragraph 21, payments shall be made for basic and special responsibility allowances in instalments of one-twelfth of the amounts respectively specified in this Scheme, paid on the last working day of each month.
20. Where a payment of one-twelfth of the amount specified in this Scheme for a basic or special responsibility allowance will result in the Member receiving more than the amount to which he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
21. A claim for travelling and subsistence or dependants' carers' allowance;
 - shall be made in writing within two months from the date of the performance of the duty for which the claim is made;

- shall be accompanied by receipts and/or any relevant evidence of the costs incurred.
 - shall be subject to such validation and accounting procedures as the Council's Corporate Director, Resources may from time to time prescribe.
22. Travelling and subsistence and dependants' carers' allowance shall be paid on the last working day of each month for any claim received not less than 14 days before that date.

Pensions

23. Any Member under the age of 75 shall be entitled to join the London Borough of Tower Hamlets Local Government Pension Scheme. Both basic and special responsibility allowances shall be treated as pensionable pay for the purposes of the scheme.

Records of Allowances and Publications

24. The Council shall keep a record of payments made by it under this Scheme, including the name of the recipients of the payment and the amount and nature of each payment.
25. The record of the payments made by the Council under this Scheme shall be available at all reasonable times for inspection at no charge. A copy shall also be supplied to any person who requests it on payment of a reasonable fee.
26. As soon as reasonably practicable after the end of the year to which this Scheme relates, the Council shall make arrangements to publish the total sums paid by it to each recipient for each different allowance.
27. A copy of the Scheme shall be supplied to any person who requests it on payment of a reasonable fee.

Renunciation

28. A member may at any time and for any period, by notice in writing given to the Chief Executive, elect to forego any part of his/her entitlement to an allowance under this Scheme.

Interpretation

29. In this scheme:
- "Councillor" means an elected member of the London Borough of Tower Hamlets who is a councillor;

- “Mayor” means the elected Mayor of Tower Hamlets Council
- “Member” means any person who is either the Mayor, a councillor or a co-opted member of Tower Hamlets Council;
- “Co-opted member” means any person who is not a Councillor but who sits on a Committee, Sub-Committee or Panel of the Council.
- “Year” means the 12 months ending on 31 March in any year;

Revocation

- 30.** The London Borough of Tower Hamlets Members’ Allowance Scheme 2012 is hereby revoked.

SCHEDULE 1

Special Responsibility Allowance

The following are specified as the special responsibilities for which special responsibility allowances are payable and the amounts of those allowances:

	£
Mayor	65,000 *
Deputy Mayor	14,742 *
Leader of the Majority Group on the Council	12,658 *
Leader of any other Group with over 6 Councillors	10,174 *
Leader of any Group with up to 6 Councillors (subject to having at least 10% of the Council)	5,531 *
Cabinet Members	12,658 *
Chair of Overview and Scrutiny Committee	10,174 *
Chair of Health Scrutiny Panel	7,557 *
Lead Members for Scrutiny	7,557 *
Chair of Development Committee	10,174 *
Chairs of Licensing, Appeals and General Purposes Committees	7,557 *
Chairs of Audit, Human Resources and Pensions Committees	5,531 *
Speaker of Council	7,557 *
Deputy Speaker of Council	3,777 *

*[*Note: Paragraph 11 of this scheme provides for the amounts marked * to be adjusted with effect from 1st April 2013 to reflect the annual pay settlement for local government staff when this is agreed.]*

SCHEDULE 2

Dependants' Carers' and Travelling and Subsistence Allowances

The duties for which these allowances are payable include:

- the attendance at a meeting of the Council or of any committee or sub-committee of the Council or of any other body to which the Council makes appointments or nominations, or of any committee or sub-committee of such a body;
- the attendance at any other meeting, the holding of which is authorised by the Council, or a committee or sub-committee of the Council, or a joint committee of 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that –
 - where the Council is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
 - if the Council is not so divided, it is a meeting to which at least two members of the Council have been invited
- the attendance at a meeting of any association of authorities of which the Council is a member;
- the attendance at a meeting of the Cabinet or a meeting of any of its committees, where the Council is operating executive arrangements;
- the performance of any duty in pursuance of any standing order under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- the performance of any duty in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises.
- the performance of any duty in connection with arrangements made by the Council for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools); and
- the carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council or any of its committees or sub-committees.

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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 17th APRIL 2013

**MOTIONS SUBMITTED BY
MEMBERS OF THE COUNCIL**

**REPORT OF THE SERVICE HEAD,
DEMOCRATIC SERVICES**

SUMMARY

1. Fourteen motions have been submitted by Members of the Council under Council Procedure Rule 13 for debate at the Council meeting on Wednesday 17th April 2013.
2. The motions submitted are listed overleaf. In accordance with the protocol agreed by the Council on 21st May 2008, the motions are listed by turns, one from each group, continuing in rotation until all motions submitted are included. The rotation starts with any group(s) whose motion(s) were not reached at the previous meeting.
3. Motions must be about matters for which the Council has a responsibility or which affect the Borough. A motion may not be moved which is substantially the same as a motion which has been put at a meeting of the Council in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.
4. There is no specific duration set for this agenda item and consideration of the attached motions may continue until the time limit for the meeting is reached. The guillotine procedure at Council Procedure Rule 9.2 does not apply to motions on notice and any of the attached motions which have not been put to the vote when the time limit for the meeting is reached will be deemed to have fallen. A motion which is not put to the vote at the current meeting may be resubmitted for the next meeting but is not automatically carried forward.

MOTIONS

Set out overleaf are the motions that have been submitted.

12.1 Motion regarding Car Free Developments

Proposer: Councillor M. A. Mukit MBE

Seconder: Councillor Khaled Uddin Ahmed

This Council notes:

- The Permit Transfer Scheme (PTS) which allows some families to move to larger social rented homes in car free developments by allowing them to retain one on-street resident car parking permit.
- This scheme is designed to help to reduce the levels of overcrowding in social rented housing in the borough by enabling residents to move to properties which were previously off limits as they need access to a car.
- The Permit Transfer Scheme is only eligible to residents moving to three+ bedroom social rented car free homes

This Council Further notes:

- According to the Tower Hamlets Housing List there are:
 - o 11,532 residents in need of a one bed property
 - o 5,093 residents in need of a two bed property
- Together these two categories represent 69% of those on the borough's housing waiting list.
- The Budget amendment presented by Councillors Khan and Gibbs in 2012 that proposed extending some Car Free Development permits to 1 and 2 bedroom properties
- That the Council resolved at the 2012 Budget meeting:
 - o That the Council further notes that residents are often forced to refuse much needed new homes in Car Free developments because they need a car.
 - o That the Council resolves to call on the Mayor to implement extended car free developments to one and two bedroom properties.

This Council Believes:

- The excluding one and two bedroom properties from the Permit Transfer Scheme means that many residents have to turn down one and two bedroom homes due to the lack of parking provision.
- That the inequality of access to the Permit Transfer Scheme between one/two bed properties and three+ bedroom families unnecessarily penalises smaller

families.

- Extending the PTS would help to enable more residents to move into more appropriate property including downsizing, which in turn would create new opportunities to house larger families as well.
- That residents needing one and two bedroom properties may have as great a need for a car - because of age, disability, ill health, work or children for example - as those needing larger properties and is therefore discriminatory

This Council Resolves:

- To reissue our call on the Mayor to extend the Permit Transfer Scheme to one and two bedroom properties.

12.2 Motion regarding Mayor's Group Meeting

Proposer: Councillor Peter Golds

Seconder: Councillor David Snowdon

This Council notes the Minutes of the Mayor's Group Meeting, as published on a recent local blog, held in the Mayor's Office on 19th May 2012.

This meeting also notes:

- That the substantive subject of the Group Meeting regarded the organisation and funding for the 2014 election campaign.
- That the Mayor is asking each ward councillor "to seek out, identify local level multicultural issues and, in the words of the agenda, deliver", and that this group is to be a "parallel campaign for the ward councillors and Mayor"
- That the Mayor's Community Liaison Officer, a PO6 grade council employee, on the staff of the Mayor's office is listed as campaign Leader whose tasks include "identifying a team to collect data and identify Vote ID", preparing calling cards and literature "per ward" and setting up a bank account.
- That 10 ward supporters/stakeholders are to be identified in each ward and that the Mayor is to "lead induction/training" for these stakeholders.
- This Council further notes that it is illegal to use council facilities and staff for electoral and partisan political purposes.

The Council calls upon the Head of Paid Service to appoint an independent investigator into this and subsequent meetings of this group in order to identify all misuse of public funds by using council facilities and officers for political campaign activity.

The Council expects this investigation be undertaken promptly and a full report, including recommended actions be submitted for consideration by the full council.

That a copy of the Agenda for the 19th May Mayoral Group Meeting be sent to the District Auditor along with this resolution, to ensure that any potentially improper use of facilities and officers is fully investigated."

12.3 Motion against erasing the history of Tower Hamlets

Proposer: Councillor Ohid Ahmed

Secunder: Councillor Gulam Robbani

This Council notes:

1. The Local Government Boundary Commission for England (LGBCE) has completed their review of Tower Hamlets ward boundaries.
2. On 25 March 2013, the Commission announced its final recommendations on Tower Hamlets council size, ward boundaries and names.
3. The recommendations reinforce decision of the LGBCE to have 45 councillors given the shift to executive mayoral model.
4. Following the campaign by Mayor and Independent Councillors with local residents, the decision of the LGBCE to reinstate the historical ward name of Banglatown, Lansbury and St Dunstan's.
5. The decision of the LGBCE to abandon ward names proposed by Labour and Conservative groups, namely deleting Banglatown, St Dunstan's and Lansbury.
6. That Cllr Peter Golds, leader of the Conservative Group stated in an interview with satellite TV station channel S, on 22 Nov 2012, that *'what will happen if every single tiny group in the country suddenly decides they want their local government ward named after it. What are we going to have, Earls Court and Kangaroo Valley for the Australians?'*
7. That it was the Mayor of Tower Hamlets, Lutfur Rahman who wrote, on behalf of the residents of Tower Hamlets, to the Commission, to reinstate 'Banglatown', 'Lansbury' and St Dunstan's in their final recommendations.

This Council believes:

1. The LGBCE final recommendations for Tower Hamlets was based on evidence and not political posturing and divisive rhetoric.
2. That the decision was taken following representations by the Mayor, Independent Councillors with the support of Tower Hamlets residents.

This Council resolves:

1. To condemn in the strongest possible terms the clear attempt by the Conservative Party, led by Cllr Peter Golds, and Labour Group, led by Cllr Joshua Peck, to attempt to abolish historic ward names.

2. To acknowledge the deep offence caused by Cllrs Golds' and Pecks' attempts to influence the LGBCE, an independent body, in this way
3. To demand that the Conservative Group and Labour Group leaders publicly apologise to the residents of Spitalfields and Banglatown, Stepney Green and St Dunstan's and East India and Lansbury, for the offence and upset they have caused both with the initial proposals and subsequent remarks on the matter.
4. To endorse the Mayor's position on retaining these historic ward names and thank the Commission for their final recommendations.

12.4 Motion regarding Open Spaces Strategy

Proposer: Councillor Amy Whitelock

Seconder: Councillor Carlo Gibbs

This Council Notes:

- The motion passed by Council on the 16th May 2012 which resolved:
 - o 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.
 - o To exclude the Live Site events in Victoria Park in 2012 from the above.
- The resolution of Council on 8 December 2010 calling on the Mayor to put limits on the use of Victoria Park for commercial events, whilst still recognising that some events should still be allowed
- The resolution of Council on 21 December 2011 asking that Sir John McDougal Gardens, Millwall Park and Island Gardens should not be made available for commercial events.
- That over 400 residents signed a petition presented to the Overview and Scrutiny Committee and Cabinet, calling for the number of events to be reduced.
- That no amended Open Spaces Strategy has been presented to Council even though it is included in the list of policies reserved for Council who have expressed a will to see the policy amended.
- The serious damage done to the park by last Summer's commercial events and the continued degradation of the park.

This Council Believes:

- That the Mayor should respect the democratic mandate of the Council and the wishes of residents and bring forward a revised Open Spaces Strategy which reflects the stated position of Council.
- That a failure to do so not only fails to show regard for the Council's democratic ruling but also leaves the Council open to unnecessary legal challenge.
- That the adoption of this amendment would be in the interests of local residents and those visiting the borough as it would provide a sustainable and manageable basis on which to hold commercial events.
- The events in excess of the cap proposed by Council will have a detrimental effect on local residents and users of the park.

This Council Resolves:

- That the Mayor should bring forward a renewed Open Spaces Strategy to the next ordinary Council meeting including within it the amendments set out above.

12.5 Motion regarding East End Life

Proposer: Councillor David Snowdon

Seconder: Councillor Peter Golds

This Council notes that:

- At the Second Budget Council meeting of March 7, Tower Hamlets Council agreed a budget for FY2013-14, at which funding of £1.214m was deleted from *East End Life's* budget including £433,000 of budgetary savings.
- Full Council's decision to reduce the council's advertising bill and reduce the spend on Choice Based Letting advertising was ruled proper and legal by the Section 151 Officer. No finance or legal officer objected to this amendment to the budget
- In a behind-closed-doors Executive Decision Making on March 26, the Mayor refused to implement the decision of full council and instead vired £433,000 from reserves to maintain his vanity 'newspaper'.
- The government will shortly place on a statutory basis a ban on Council 'newspapers', including *East End Life*.

The Council believes that:

- The Mayor has a democratic obligation to the people of Tower Hamlets to implemented the budget as agreed by Full Council on March 7.
- The Mayor is aware that Full Council has stated its desire to reduce the Mayor's ability to vire funds to £200,000, and his decision of March 26 flies in the face of the stated intent of Full Council

This Council calls on the Mayor to:

- Reverse his decision of March 26
- Commence the closure of *East End Life* with immediate effect

12.6 Motion regarding right to work, right to strike

Proposer: Councillor Oliur Rahman

Seconder: Councillor Shahed Ali

This Council notes that:

1. Workfare, forced unpaid work, for people who receive welfare benefits is wrong.
2. Workfare profits employers by providing free labour which in turn undermines real jobs, wages and workplace organisation.
3. Workfare threatens the poor by taking away welfare benefits if people refuse to work without a living wage.

This Council believes that:

1. The use of retrospective legislation is simply making sure that illegality is made legal and sets an extremely dangerous precedent.
2. The 44 Labour who defied their party whip to vote against the Jobseekers (Back-to-Work Schemes) Bill, should be applauded.

This Council further believes that:

1. The right to strike is a fundamental human right that gives workers dignity in employment; the right to protest without fearing for their job, home and family.
2. All workers have a right to strike.
3. The Tory-led government has indicated that it is willing to restrict existing strike laws.

This Council condemns:

1. Those who seek to force welfare recipients into working for nothing.
2. Labour for helping the Tory-led government rush through new retrospective laws to stop benefit rebates after the recent Poundland ruling.

This Council resolves to:

1. Call upon local MPs and the Labour Party leadership to oppose workfare and any further laws to restrict the right to strike.

12.7 Motion regarding the Women's Library

Proposer: Councillor Denise Jones

Seconder: Councillor Rachael Saunders

This Council notes:

- In 1997, the Council agreed to the disposal of land at Oldcastle Street to the London Guildhall University/Fawcett Library to support the conversion of the old Bath Houses into the Women's Library building. The Fawcett Library collection then expanded into the new building.
- The Heritage Lottery Fund donated over £4 million, being 75% of the costs of the land and development of the building. The council donated 25% of the land value and the University paid the balance of 25%.
- As a result of this financial support and commitment, the Council is represented on the Women's Library Council. It was agreed that Library facilities should be made available free of charge at all opening times to Members and officers of the Council, local school use, students in the Borough, a defined list of Local History Societies and Charities in the Borough, all residents with Library/Leisure passes for 20 days a year. The disposal was conditional upon a separate agreement to ensure the University provided the existing Barrow Store for Petticoat Lane market and the Community School.
- In the spring 2012, London Metropolitan University Trust (previously Guildhall University) agreed they could no longer find the revenue costs to operate the Women's Library and started a process to dispose of the Collections. Most Members of the Women's Library Council were not informed of the process until the press carried the announcement that LSE had agreed to take the collections.
- In mid-summer, MPs, Lords, London Assembly Members, Local Councillors, Residents, Trade Unions, Academics, Architects and local residents formed the 'Save the Women's Library Campaign' with the campaign objective of keeping the collections in the building.
- Save The Women's Library Campaign called on the Heritage Lottery Fund to intervene, in line with the original objectives of its grant, to keep the library in its home. To date the Heritage Lottery Fund has not intervened to this effect.
- While the collections have been preserved, London Metropolitan University made no attempt to keep them in its own building.
- The Women's Library collections have now been taken on by London School of Economics and are currently being transferred there.
- Whilst the Women's Library building has been registered as a Community Asset with the council, the future of the building in Oldcastle Street is uncertain.

This Council believes:

- The Women's Library collections belong in Tower Hamlets with its proud women's history.
- The Women's Library Council, on which Tower Hamlets Council is represented, was not adequately consulted about the disposal of the collection or the future of the building.
- The Council made an investment in the Women's Library building in good faith that the building would remain in women's and community use.
- It would be wholly inappropriate for the investment made by Council and the Heritage Lottery Fund to be lost and for the Women's Library building to revert to generic university use.
- The Heritage Lottery Fund should be asked to intervene to ensure that the Women's Library Building retains a community use.

This Council resolves:

- To formally investigate the conditions attached to the sale agreement of the old bath houses by Tower Hamlets Council.
- To call on the Heritage Lottery Fund to claw back the grant that it made in the building, should the building revert from women's and community use.
- To recognise the Women's Library as a community asset for women's and community use.

12.8 Motion on the Government's recent budget

Proposer: Councillor Kabir Ahmed

Seconder: Councillor Lutfu Begum

This Council notes:

1. Coalition claims that profligate Labour spending is responsible for our current economic woes is a myth.
2. The last Labour government spent less (and taxed less) as a share of GDP than the two preceding Conservative governments. Spending on the public sector has been falling relative to GDP since the 1970's.
3. The current financial crisis is result of a criminal recklessness in the financial sector which came to the point of total disintegration in 2008. According to the Bank of England the cost of propping up the banks so far is £1.278 trillion.
4. Instead of debt created in the private sector residing with private institutions responsible, it has been forced into the public realm.
5. The consequences of the bank bailouts and the subsequent 'credit crunch' has driven the economy into recession. Government austerity as a solution has worsened the situation and is demonstrably failing.
6. In his emergency budget of 2010 George Osborne promised he would deliver growth, cut the deficit, and reduce the national debt, ensure 'fiscal creditability', attract investment and deliver recovery.
7. By time of his recent budget Osborne was presiding over an economy on the verge of a triple-dip recession with a down-graded credit rating, a growing national deficit and a shrinking economy. By 2015, the government will probably have borrowed about £200bn more than it forecast.

This Council Resolves:

1. The government's assault on public spending is ideologically driven and designed to deflect responsibility for a crisis caused in the private sector onto the public sector.
2. That while benefits are being slashed the government has given tax cuts to wealthy.
3. That it is wrong that women, BME communities and poorest third in our society should be bearing the brunt of the cuts.
4. That economic revival requires an end to austerity and government intervention to create jobs and address the housing crisis.

5. That such growth measures could in part be paid for by the introduction of a financial transactions tax. Research by the Institute for Public Policy Research (IPPR) shows that the financial sector can comfortably afford paying another £20 billion in tax.

6. That the priority for this council will be to follow policies that seek to protect residents, and their quality of life, from the impact of recession.

7. Welcomes policies in the Mayor's recent budget to that end such as absorbing cuts to council tax benefits which benefit 25,000 people on low incomes and 10,000 pensioners; extending of free school meals provision which will benefit 4,000 pupils; and funding schemes such as bursaries for university students and Mayor's Educational Award to ensure economic hardship does prevent out students from completing their studies.

12.9 Motion regarding bedroom tax

Proposer: Councillor Rania Khan

Seconder: Councillor Aminur Khan

This Council notes that:

- On April 2 2013 another of the Government's Welfare Changes came into effect.
- The Bedroom Tax is a reduction in Housing Benefit to households in Council and Housing Association properties, who are deemed to have extra bedrooms.
- Households will lose 14% of their rent if they have 1 extra bedroom and 25% of their rent if they have 2 or more extra bedrooms.
- The Bedroom Tax will affect thousands of residents in Tower Hamlets.
- Last month the government U-turn exempted Foster Carers, families of disabled siblings and families of service men and women from the tax.
- The Government's own figures suggest that 420,000 disabled adults will be affected by this tax.
- The Council has launched a Prepare and Act Now Campaign to ensure that residents are aware of all the welfare changes and can seek advice and assistance from the Council and third sector organisations. Five events were held across the borough where residents could speak to Housing staff, Benefit Team staff, Skillsmatch and JCP staff, as well as staff from third sector advice agencies. There are a further four events planned during the summer.

This Council believes that:

- The government's U-turn demonstrates that this is a misguided policy
- These measures will have an adverse and disproportionate effect on Tower Hamlets residents, especially those already living on a low income.
- The Bedroom Tax disproportionately affects disabled residents, many of whom need an additional bedroom for medical reasons as well as due to large medical equipment and supplies.
- These measures will increase poverty, and reduce the ability for residents to adequately heat their homes and feed and clothe their children.

This Council resolves:

- To lobby against the coalition's policies which clearly have a discriminatory affect on the residents of Tower Hamlets.
- To call on the government to also except disabled adults from the Bedroom Tax.
- To continue to offer support and guidance to any families who find themselves in financial difficulties due to these changes

12.10 Motion regarding Recorded Votes

Proposer: Councillor Ohid Ahmed

Seconder: Councillor Shafique Haque

This Council notes:

1. That Council's constitution includes a provision for 'Recorded Votes'.
2. That this provision is designed to allow for maximum accountability.
3. That until 25 January 2012 the threshold of members required to trigger a Recorded Vote in Full Council was 10.
4. That on 25 January 2012 a motion was carried by a majority in Full Council increasing the threshold from 10 members to 20.
5. That this threshold is unreasonably high without precedent in Tower Hamlets and elsewhere.
6. That in Camden, the threshold is 7 members, in Barnet it is 10 members, in Newham it is 6 members, in Westminster it is 10 members, and in Greenwich it is 5 members.

This Council further notes:

1. The recent report by the electoral commission on voter fraud in Tower Hamlets that found no evidence of widespread fraud as alleged by some in the opposition.
2. That the report cited a "breakdown of trust" between politicians in this chamber and that this heightens the need for public accountability.

This Council believes:

1. That the 'Recorded Vote' thresholds are generally low so that a minority can make their views known when votes go against them, to communicate to the public that whilst something they did not support may be Council policy, it is not unanimous and the minority opposed it.
2. That having a threshold of 20 members defeats the object of this provision, since (assuming whipping) recorded votes can only go ahead if the majority group is in favour.
3. That raising the threshold from 10 to 20 members was a backward step as regards the health of local democracy, and a grave mistake.
4. That having the highest threshold in the land, particularly when compared to the other aforementioned London boroughs, is deeply embarrassing for this authority.

This Council resolves:

1. To lower the threshold of support required to trigger a recorded vote from 20 members to 7 members.

12.11 Motion regarding Gambling

Proposer: Councillor Rofique Ahmed

Seconder: Councillor Lutfu Begum

This Council notes:

- Tower Hamlets residents spend an estimated £400 million in gambling.
- Gambling can have a variety of very negative consequences for the individual concerned and wider society. These include:
 - o A significantly higher risk of psychiatric disorders, and drug misuse and smoking among gamblers compared to non-gamblers
 - o Greater risk of emotional distress, financial problems and health problems among families of problem gamblers
 - o Higher rates of separation and divorce among problem gamblers compared to the general population
 - o Increased risk of drug misuse, eating disorders and mental ill health among children of problem gamblers
 - o Increased risk of involvement in criminal activity among problem gamblers.

This Council believes:

- That the granting of licenses for casinos to operate in the borough increases the risk of problem gambling.

This Council agrees:

- It is in the best interests of the borough that dangers of problem gambling are minimised in the borough.
- That Tower Hamlets adopt of a policy of not granting licences to new casinos to operate in the borough as under Section 166 of the Gambling Act 2005.
- While we are bound by statutory gambling laws here is possibility that we could use Planning and our Commercial leasing arrangements to affect further controls.

12.12 Motion against Boris Johnson's Tower Hamlets police cuts

Proposer: Councillor Maium Miah

Seconder: Councillor Ohid Ahmed

This Council notes:

1. That on 24 March 2013 Boris Johnson published his Police and Crime plan for London
2. That this plan will result in Tower Hamlets having lost 93 officers since 2010
3. That across London, nearly half of PCSOs will be cut
4. That Bow, Isle of Dogs, Poplar and Limehouse police stations are under threat from the Conservative mayor
5. That Safer Neighbourhood teams, whose knowledge of the local area is vital to effective policing, will be dismantled and replaced by the out-moded sector policing model.
6. The petition by Miaum Miah, supported by the Mayor, against the closure of the police station on the Isle of dogs
7. That in the budget proposals published on 9 January 2013, the Mayor of Tower Hamlets has allocated funds for 17 extra police officers

This Council believes:

1. That the Conservative mayor's proposals are both a breach of his electoral pledges and his responsibility to ensure the safety of London's citizens
2. That the Conservative mayor's policing policies are driven by an asset-stripping mentality rather than the need to keep people safe

This Council resolves:

1. To call on all group leaders to join the Mayor, protesting in the strongest possible terms with the Conservative Mayor of London, to reverse these cuts and save Tower Hamlets Police Stations

12.13 Motion in support of the London Living Wage

Proposer: Councillor Abdul Asad

Seconder: Councillor Shafiqul Haque

This Council notes:

That in November 2008, the then Leader of the Council and now Executive Mayor of Tower Hamlets, Lutfur Rahman, instituted the London Living Wage in the Council.

That the Council is seeking to extend the Living Wage into its agreements with sub-contractors to ensure that they too pay a fair and decent wage to workers.

That the Labour Leader Ed Milliband pledged to bring in a living wage for all government contracts.

That with the Government's wholesale war on the welfare state and the rights of the poorest, the living wage is more important now than ever.

This Council believes:

That paying a living wage is a cornerstone social and economic justice.

That in these times of Tory-led economic stagnation, cuts and devastating welfare reform, it is more important than ever to ensure that the incomes of the most vulnerable are protected.

This Council resolves:

To reaffirm its commitment to the London Living Wage

To support the Mayor in the battle to continue to ensure the Council's contracting practices use every measure within the law to widen the agreement to deliver the London Living Wage.

12.14 Motion supporting Energy Co-operatives

Proposer: Councillor Rabina Khan

Secunder: Councillor Shahed Ali

This Council notes:

1. That the Mayor has launched an initiative to sign people up to an energy co-operative that will allow them to purchase gas and electricity much more cheaply than through mainstream providers.
2. That to date nearly 2000 people have expressed interest in joining the co-op.
3. The recent news reports indicating “Libor-like” manipulation of the price of energy by the big providers.
4. That it has secured £40,000 from central government to support this scheme.

This Council believes:

1. That encouraging residents to sign up to the energy co-op is an effective way to ease the burden of Tory-led cuts, economic stagnation and welfare reform.

This Council resolves:

1. To call on Group leaders to work with the Mayor to publicise the Energy Co-op and the benefits it could bring to residents, especially those on low incomes.