

**LONDON BOROUGH OF TOWER HAMLETS**

**RECORD OF THE DECISIONS OF THE CABINET**

**HELD AT 5.45 P.M. ON WEDNESDAY, 7 NOVEMBER 2012**

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

**Members Present:**

Mayor Lutfur Rahman (Mayor)	(Mayor)
Councillor Ohid Ahmed (Deputy Mayor)	(Deputy Mayor)
Councillor Shahed Ali	(Cabinet Member for Environment)
Councillor Abdul Asad	(Cabinet Member for Health and Wellbeing)
Councillor Alibor Choudhury	(Cabinet Member for Resources)
Councillor Shafiqul Haque	(Cabinet Member for Jobs and Skills)
Councillor Rabina Khan	(Cabinet Member for Housing)
Councillor Rania Khan	(Cabinet Member for Culture)
Councillor Oliur Rahman	(Cabinet Member for Children's Services)

**Other Councillors Present:**

Councillor Denise Jones	
Councillor Joshua Peck	(Leader of the Labour Group)
Councillor Marc Francis	
Councillor Ann Jackson	(Chair, Overview & Scrutiny Committee)
Councillor Stephanie Eaton	
Councillor David Snowdon	
Councillor Zenith Rahman	
Councillor Lesley Pavitt	(Deputy Speaker of Council)
Councillor Judith Gardiner	
Councillor Kabir Ahmed	(Executive Advisor to the Mayor and Cabinet)
Councillor Gulam Robbani	
Councillor John Pierce	

**Officers Present:**

Isobel Cattermole	– (Acting Corporate Director, Children, Schools & Families)
Isabella Freeman	– (Assistant Chief Executive - Legal Services, Chief Executive's)
Stephen Halsey	– (Corporate Director Communities, Localities & Culture and Interim Head of Paid Service)
Chris Naylor	– (Corporate Director, Resources)
Aman Dalvi	– (Corporate Director, Development & Renewal)

Owen Whalley	– (Service Head Planning and Building Control, Development & Renewal)
Anne-Marie Berni	– (Infrastructure Planning Manager, Planning & Building Control, Development & Renewal)
Numan Hussain	– (Political Advisor to the Mayor, Executive Mayor's Office, Chief Executive's)
Navida Quadi	– (Graduate Management Trainee, Executive Mayor's Office, Democratic Services, Chief Executive's)
David Courcoux	– (Political Adviser to the Labour Group, Chief Executive's)
Shahriar Hossain	– (Graduate Management Trainee, Communications)
Abad Uddin	– (Graduate Management Trainee, Human Resources)
Sayed Khan	– (Graduate Management Trainee, Human Resources)

The following is a record of those decisions taken by the Cabinet at their meeting held on Wednesday 7 November 2012.

**Most decisions may be 'called in'**, by the Assistant Chief Executive, for scrutiny by the Overview and Scrutiny Committee to be held on **Tuesday 4 December 2012** on receipt of a written request.

The **deadline** for the receipt of any such written request is **5.00pm on Friday 16 November 2012**. Such requests should be made to John Williams, Service Head Democratic Services-Tel 020 7364 4204.

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

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

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

**Any decision not "called in" for scrutiny can be implemented on Monday 19 November 2012.**

**Any decision 'called in' for scrutiny but supported by the Overview and Scrutiny Committee**, at its meeting on Tuesday 4 December 2012, **can be implemented** the following day, **Wednesday 5 December 2012.**

**Any decision ‘called in’ for scrutiny but not supported by the Overview and Scrutiny Committee, at its meeting on Tuesday 4 December 2012, will be referred back to the Mayor in Cabinet for further consideration on Wednesday 5 December 2012.**

**MR L. RAHMAN (MAYOR) IN THE CHAIR**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of:

- Councillor Rofique U Ahmed (Cabinet Member for Regeneration)

**Noted.**

**Action by:**

**ASSISTANT CHIEF EXECUTIVE – LEGAL SERVICES (I. FREEMAN)**

(Committee Services Manager, Democratic Services, Chief Executive’s (M. Mannion)

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

Councillors Ohid Ahmed, Alibor Choudhury, Rabina Khan and Rania Khan declared pecuniary interests in Items 4 and 5.2 (Petition and Call-in relating to the Mayor’s Mainstream Grants Programme) and would leave the room for the duration of those items.

Councillor Ann Jackson declared a pecuniary interest in Item 19.1 (Learning Disabilities Day Opportunities – Modernisation Programme) and would leave the room for the duration of that item.

**Noted.**

**Action by:**

**ASSISTANT CHIEF EXECUTIVE – LEGAL SERVICES (I. FREEMAN)**

(Committee Services Manager, Democratic Services, Chief Executive’s (M. Mannion)

**3. UNRESTRICTED MINUTES**

The unrestricted minutes of the ordinary meeting of the Cabinet held on 3 October 2012 were presented for information.

**4. PETITIONS**

**Decision**

1. That the following petitions be formally received and noted:
  - a. Petition regarding cuts to funding for Appian Court Resource Centre.
  - b. Petition regarding 'Save our Advice Centres'
2. That the points raised by the petitions be given consideration during the Cabinet deliberation of the item of business to which the petitions related; and
3. That any outstanding issues raised by the petitions be referred to the Corporate Director for Development and Renewal for attention and response in writing within 28 days, in accordance with the Authority's Constitution (Part 4, Rules of Procedure, Section 4.1 Council Procedure Rules, Rule 19 Petitions).

**Action by:****CORPORATE DIRECTOR DEVELOPMENT AND RENEWAL (A. DALVI)**

Service Head Resources D&amp;R (C. Holme)

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

Nil items.

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

- (i) Cabinet Decision "Called in" Review of Tower Hamlets Art Work (CAB 35/123)

Reference from the Overview and Scrutiny Committee, held on 6 November 2012, **Tabled** by the Chair of the Overview and Scrutiny Committee.

**Decision**

1. That the advice /comments of the Overview and Scrutiny Committee, as detailed in the Tabled Reference (CAB 47/123) be noted.
2. That the provisional decision of the Cabinet, made on 3 October 2012, in relation to the Review of Tower Hamlets Art Work (CAB 35/123) be reaffirmed.

**Action by:****CORPORATE DIRECTOR COMMUNITIES, LOCALITIES AND CULTURE (S. HALSEY)**

Interim Service Head Culture, Learning and Leisure Services (H. Bonfield)

- (ii) Cabinet Decision “Called in” Mayor’s Strategic MSG Programme (CAB 40/123)

Reference from the Overview and Scrutiny Committee, held on 6 November 2012, **Tabled** by the Chair of the Overview and Scrutiny Committee.

### **Decision**

1. That the advice /comments of the Overview and Scrutiny Committee, as detailed in the Tabled Reference (CAB 48/123) be noted;
2. That it be noted that the Mayor was proposing to withdraw the Mainstream Grants report on the agenda to allow for further consideration of all the issues raised.

### **Action by:**

#### **CORPORATE DIRECTOR DEVELOPMENT AND RENEWAL (A. DALVI)**

Service Head Resources, D&R (C. Holme)

Service Head Resources, CSF (K. Bingham)

Service Head Culture, Learning and Leisure (H. Bonfield)

Service Head Commissioning and Strategy (D. Cohen)

## **6. A GREAT PLACE TO LIVE**

### **6.1 Leopold Estate CPO**

### **Decision**

1. To delegate to the Corporate Director of Development and Renewal, together with the Assistant Chief Executive, authority to take all necessary steps including the making of a Compulsory Purchase Order (CPO), General Vesting Declaration or Notice to Treat in respect of the land shown edged red on the plan at Appendix 2 including those interests set out in Appendix 1 including existing interests and new rights pursuant to Section 13 of the Local Government (Miscellaneous Provisions) Act 1976,
2. To delegate to the Corporate Director of Development and Renewal in consultation with the Assistant Chief Executive (Legal Services) the power to take all necessary procedural steps in making the compulsory purchase order including:-
  - 2.1 Making of the compulsory purchase order as described in Recommendation 2, including the publication and service of

- notices and thereafter seeking confirmation of it by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act), including the preparation and presentation of the Council's case at any Public Inquiry which may be necessary.
- 2.2. Acquiring all interests in land and new interests within the CPO boundary shown at Appendix 2 either by private agreement or compulsorily
  - 2.3. Determination as to whether an individual Order shall be made under the provisions of Section 17 Housing Act 1985, or Section 226 Town and Country Planning Act 1990, as detailed in paragraphs 4.24 to 4.27 of the report (CAB 068/078), should the Assistant Chief Executive (Legal Services) consider this appropriate;
  - 2.4. Monitoring of negotiated agreements by Poplar HARCA with land owners or others as applicable, setting out the terms for withdrawal of objections to the compulsory purchase order, including where appropriate seeking exclusion of land or new rights from the compulsory purchase order.
  - 2.5. Publication and service of notices of confirmation of the CPO and thereafter to execute and serve any general vesting declarations or notices to treat, and notices of entry, and to acquire those interests to secure the development proposals.
  - 2.6. Referral and conduct of disputes relating to compulsory purchase compensation at the Upper Tribunal (Lands Chamber)
  - 2.7. Transfer of any land interests compulsorily acquired by the Council under the terms described in Recommendations 2.2 and 2.3 above to Poplar HARCA, once vacant possession is achieved.
3. To determine that the use of CPO powers is exercised after balancing the rights of individual property owners with the requirement to obtain vacant possession of the site.
  4. To determine that the interference with the human rights of the property owners affected by these proposals, and in particular their rights to a home and to the ownership of property, is proportionate, given the adequacy of their rights to object and to compensation, and the benefit to the economic, social and environmental well-being of the areas of Tower Hamlets affected by these proposals.
  5. To note that all costs incurred by the council, to manage and deliver CPO processes will be reimbursed by Poplar HARCA.

**ACTION BY: CORPORATE DIRECTOR OF DEVELOPMENT AND RENEWAL (A. DALVI)**

Housing Regeneration Manager (N. McGowan)

Strategic Housing Manager (C. Coker)

**Reasons for the decision**

The decision requested is necessary to enable the making of a CPO, to support the delivery of major regeneration scheme by Poplar HARCA on the Leopold Estate. This estate was transferred under the Stock Transfer Scheme by the Council to Poplar HARCA who have developed plans for its renewal for existing and future residents. Poplar HARCA has confirmed that these plans cannot be implemented without the use of CPO powers.

Poplar HARCA continues to negotiate to acquire the affected land interests on a voluntary basis, and many properties have been successfully acquired since the initial CPO Resolution in 2007. Council officers are monitoring HARCA's negotiations, but this approach now needs to be supported by the formal provision of a CPO. The CPO would run in tandem with HARCA's efforts to secure vacant possession voluntarily, helping to ensure that land interests can ultimately be acquired, thus enabling the proposed redevelopment schemes to progress without indeterminate delays.

**Alternative options**

The alternative option is to NOT make the recommended Resolution for the proposed CPO. In this instance negotiations by Poplar HARCA with individual land interests would continue, but the absence of a back-up CPO process could potentially have negative impacts, including:

- risks of significant delays in achieving acquisitions if owners refuse to negotiate voluntary settlements, which in turn would delay or jeopardise key redevelopment proposals;
- potentially higher costs for Poplar HARCA, i.e. to complete voluntary acquisitions and/or through resultant contract penalties for delay, either of which could reduce scheme funding or overall financial viability;
- non-delivery on joint commitments by the council and Poplar HARCA to provide comprehensive regeneration, including new affordable homes for local residents;
- risk of investment in public realm and general neighbourhood regeneration being lost;
- risk of cross subsidy funding from the homes for sale to provide the affordable homes being lost

**6.2 Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule****Decision**

1. To approve the Tower Hamlets Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule as set out in Appendix 1 for a 6 week public consultation period from 16<sup>th</sup> November 2012 to 2<sup>nd</sup> January 2013.
2. To note the Equalities Analysis Scoping Report (Appendix 2), the Consultation Plan (Appendix 3), the Strategic Environmental Assessment Screening Report (Appendix 4) and also the LBTH CIL Viability Study Report which is a supporting document and is available upon request.
3. To delegate authority to the Corporate Director of Development and Renewal, in consultation with the Lead Members for Housing and Resources, to make editorial changes to the Preliminary Draft Charging Schedule where necessary, prior to the beginning of the consultation period.

**Action by:**

**CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)**  
Infrastructure Planning Manager (A-M. Berni)

**Reasons for the decision**

The reason for the decision, is for Cabinet to agree the publication of rates set at a level that ensures the proper basis for the introduction of the CIL in the borough, which mitigates the impacts of development and leads to the provision of much needed supporting infrastructure.

The Council must set out its proposed rates in a Preliminary Draft Charging Schedule (PDCS) and invite representations from the consultation bodies set out in CIL Regulation 15, as well as residents and businesses in the Borough and other interested parties.

**Alternative options**

To not proceed with a Tower Hamlets Charging Schedule would mean not being able to move forward with the introduction of CIL in the borough. This will severely limit the Council's ability to raise funds, for the identified infrastructure needs of the borough, as the scope for securing infrastructure funding through s106 agreements will be more constrained from April 2014.

If the Council does not adopt a CIL Charging Schedule it will be difficult to deliver the required infrastructure to mitigate development impact and support improvements to the borough.



**7. A PROSPEROUS COMMUNITY**

**7.1 Main Stream Grants Programme 2012/15**

This item was withdrawn from the agenda.

**8. A SAFE AND COHESIVE COMMUNITY**

Nil items.

**9. A HEALTHY AND SUPPORTIVE COMMUNITY**

**9.1 Learning Disabilities Day Opportunities - Modernisation Programme (to follow)**

Public report withdrawn. The Exempt/Confidential report was considered later on the agenda.

**10. ONE TOWER HAMLETS**

Nil items.

**11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT**

Nil items.

**12. UNRESTRICTED REPORTS FOR INFORMATION**

**12.1 Exercise of Corporate Directors' Discretions**

**Decision**

1. To note the exercise of Corporate Directors' discretions as set out in Appendix 1.

**Action by:**

**CORPORATE DIRECTOR RESOURCES (S NAYLOR)**

**Reasons for the decision**

Financial Regulations requires that regular reports be submitted to Council/Committee setting out financial decisions taken under Financial Regulation B8.

The regular reporting of Corporate Director's Discretions should assist in ensuring that Members are able to scrutinise officer decisions.

### **Alternative options**

The Council is bound by its Financial Regulations (which have been approved by Council) to report to Council/Committee setting out financial decisions taken under Financial Regulation B8.

If the Council were to deviate from those requirements, there would need to be a good reason for doing so. It is not considered that there is any such reason, having regard to the need to ensure that Members are kept informed about decisions made under the delegated authority threshold and to ensure that these activities are in accordance with Financial Regulations.

## **13. EXCLUSION OF THE PRESS AND PUBLIC**

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

- (a) As it was likely, in view of the nature of the business to be transacted in Section Two of the agenda, that if members of the public were present during consideration of this business there would be disclosure of exempt information.
- Exempt information is defined in section 100I and, by reference, Schedule 12A of the Local Government Act 1972 ("the 1972 Act"). To be exempt, information must fall within one of the categories listed in paragraphs 1 to 7 of Schedule 12A, must not fall within one of the excluded categories in paragraphs 8 and 9 and the public interest in maintaining the exemption must outweigh the public interest in disclosing the information.
  - Agenda item 14. "Exempt/Confidential Minutes" (of the meeting of the Cabinet held on 3 October 2012) contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.
  - Agenda item 16.1. "Grounds maintenance services procurement" contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.
  - Agenda item 19.1. "Learning Disabilities Day Opportunities – Modernisation Programme" contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.

- (b) As although there is a public interest favouring public access to local authority meetings, in this case the Cabinet concluded that given the information contained in:
- Agenda item 14. "Exempt/Confidential Minutes" (of the meeting of the Cabinet held on 3 October 2012) contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.
  - Agenda item 16.1. "Grounds maintenance services procurement" contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.
  - Agenda item 19.1. "Learning Disabilities Day Opportunities – Modernisation Programme" contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.

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

#### **14. EXEMPT / CONFIDENTIAL MINUTES**

The Exempt/Confidential minutes (Cabinet 3 October 2012) were presented for information.

#### **15. OVERVIEW & SCRUTINY COMMITTEE**

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

Nil items.

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

Nil items.

#### **16. A GREAT PLACE TO LIVE**

##### **16.1 Grounds maintenance services procurement**

Recommendations agreed.

**17. A PROSPEROUS COMMUNITY**

Nil items.

**18. A SAFE AND COHESIVE COMMUNITY**

Nil items.

**19. A HEALTHY AND SUPPORTIVE COMMUNITY**

**19.1 Learning Disabilities Day Opportunities - Modernisation Programme**

Special circumstances and reasons for urgency and report recommendations agreed.

**20. ONE TOWER HAMLETS**

Nil items.

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

Nil items.

**22. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION**

Nil items.

The meeting ended at 7.17 p.m.

**Isabella Freeman**  
**ASSISTANT CHIEF EXECUTIVE (Legal Services)**