

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE GENERAL PURPOSES COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 10 DECEMBER 2014

ROOM MP701, 7TH FLOOR, TOWN HALL, MULBERRY PLACE,

5 CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Shiria Khatun (Chair)
Councillor David Edgar (Vice-Chair)
Councillor Rajib Ahmed
Councillor Craig Aston
Councillor Aminur Khan

Apologies:

Councillor Alibor Choudhury
Councillor Oliur Rahman

Officers Present:

Philip Devonald	Interim Head of Legal Operations, Law, Probity and Governance
David Knight	Senior Democratic Services Officer
Antoinette Duhaney	Committee Officer
Hania Franek	Head of School Governance & Information, Education Social Care & Wellbeing)

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1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations were made.

2. UNRESTRICTED MINUTES

RESOLVED –

That the unrestricted minutes of the meeting of the General Purposes Committee held on 9 September 2014, be agreed and signed by the Chair as a correct record of the proceedings.

3. REPORTS FOR CONSIDERATION**4. APPLICATION FOR REGISTRATION AS TOWN OR VILLAGE GREEN - WAPPING GREEN**

The report was introduced by Philip Devonald, Interim Head of Legal Operations. He highlighted the officer recommendation which was that the application be refused as the legal test set out in the relevant legislation had not been met in his view-namely that the inhabitants of the locality or neighbourhood have not indulged in lawful sports and pastimes on the land for a period of 20 years, "as of right."

Amanda Day and Geraldine Davies, representatives of the Turk's Head Charity addressed the meeting. They stated that the Turk's Head Charity was a long established organisation which started in 1971. The Charity was well supported by local by residents and no objections to the application had been submitted. It was felt that the application should be approved as all the criteria for designation as a Town or Village Green were met. Wapping Green defined the local area and was much loved and well used by residents. The Council had a great opportunity to get kudos by being the first Council in the country to take advantage of the new legislation by registering Wapping Green as a new town or village green.

The Turk's Head Charity was extremely disappointed that it had taken 18 months for the Council to consider this application; had the application been considered much earlier, the 2014 ruling in respect of the Oxford case would not have applied to this application. Extracts from the Council's Open Space Strategy were quoted to demonstrate that the designation of Wapping Green as a Town or Village Green would in their view be consistent with the Strategy as well as increasing open space provision. The Committee was urged to support the application to register Wapping Green as a Town or Village Green. However, in the event that the application was refused, the Turk's Head Charity would make a legal challenge to the Committee's decision.

Officers advised the Committee that:-

- There were clear DEFRA guidelines regarding the voluntarily registration of a Town or Village Green.
- The reason for the 18 month delay in considering the application was unclear but the Council was in a unique situation. In the light of the 2014 judgment; the Council was obliged to consider the application in the context of this ruling.
- Regrettably, the legal arguments for refusing the application were very persuasive and it was not in the Committee's current remit to consider voluntary registration as a Town or Village Green at this time.
- The only options available to the Committee were to grant or refuse the application. However, if the Committee was minded to refuse the application, a recommendation could be made to

Cabinet/Council/Mayor to consider voluntary registration as a town or Village Green.

- The provision of benches, signage and litter bins on the site implied the Council's consent to the use of the site by the general public.
- There was a fine distinction between "as of right" and "implied consent." The more the Council did to facilitate use of the site, the less it was considered as a village green.
- The designation of Wapping Green as a Town or Village green would alter the land status of the site. However, this did not offer complete protection against future development of the site. In any event this was not a relevant consideration for the Committee in determining this application.
- The Committee was obliged to work within the law and the recent Supreme Court Judgement made the position clear.

The view was expressed that although there was implied consent for the use of Wapping Green by the general public, there was a very strong case for the Council considering voluntary registration as a town or Village Green in accordance with the latest DEFRA guidance.

UNANIMOUSLY RESOLVED –

- (1) That the application be refused on the grounds that the inhabitants of the locality, or neighbourhood have not indulged in lawful sports and pastimes on the land for a period of 20 years "as of right."
- (2) That the Mayor/Cabinet/Council be recommended to consider the possibility of voluntary registration of Wapping Green as a Town or Village Green.

At the conclusion of this item, Councillor Aminur Khan left the meeting.

5. PLANNING FOR THE UK PARLIAMENTARY ELECTION (MAY 2015): PROGRESS IN IMPLEMENTING ELECTORAL COMMISSION RECOMMENDATIONS AND CONSULTATION ON ARRANGEMENTS FOR COUNT

The report was introduced by John Williams, Acting Returning Officer. This was the first report outlining preparations so far for managing the Parliamentary elections on 7 May 2015 with a focus on the verification and counting arrangements. In accordance with the recommendations of the Electoral Services Commission report published in July 2014, the proposals set out in the report were subject to consultation and further consultation would take place on other aspects of the Council's preparations such as security, absent voters, policing levels at polling stations, crowd management and so on.

In response to questions and comments from Councillors, Mr Williams stated that feedback so far suggested general support for the count being held at the ExCel Centre in Docklands. In response to concerns raised about counting staff speaking in languages other than English, he stated

that there was a rigorous process for recruiting Count Staff and instructions would be issued reiterating that all count staff should not converse at all with agents or candidates and should converse with each other in English only. The Council had limited control over the behaviour of agents, candidates and tellers but there would be more staff on hand to pick up and address any concerns raised.

The possibility of swapping count staff with a neighbouring borough was being explored. However, the likelihood of neighbouring count staff being made available to Tower Hamlets was slim. It was inevitable that some count staff living locally would know some agents, candidates and tellers and all steps would be taken to ensure staff were neutral and any concerns raised would be addressed immediately.

Officers would explore the possibility of sharing information on counting staff to avert any potential issues regarding staff neutrality. A revised code of conduct, which was used for the July 2014 ward election in Blackwall and Cubitt Town, would be in place for the count. Colour coded wristbands would be used for those entering the ExCel Centre to maximise security and prevent unauthorised entry. The ExCel Centre hire costs were still being negotiated but officers were confident that the venue was suitable for the Council's needs.

Discussions had taken place with the police regarding security and it had been agreed that there would be a police escort for each ballot box. The police were supportive of the use of the ExCel Centre to hold the Count because they had extensive experience of policing events at this venue. The Police would attend briefings with Agents, Candidates and Tellers to make sure that all parties were aware of the processes and acceptable standards of behaviour. Any criminal matters would be referred to the Police for investigation.

A Consultant would be appointed to oversee the planning and management of the Count and staff capacity had been increased (it was proposed that 160 staff would be employed at the count)

RESOLVED –

That the report be noted.

6. REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The report was introduced by John Williams, Acting Returning Officer who stated that the representations received were outlined in para 5.1 of the report. In response to observations from Members, Mr Williams advised that the renaming of wards was not considered as part of this review and that the details on the outcome of the review would be reported to Members, following public consultation in January 2015.

RESOLVED –

- (1) That the report be noted.
- (2) That authority be delegated to the Returning Officer/Electoral Registration Officer to agree the final arrangements for polling districts and polling places, after consultation with the Chair of the General Purposes Committee.
- (3) That the draft outcomes of the review be circulated also to other members of the General Purposes Committee for Information.

The meeting ended at 9.20 p.m.

Chair, Councillor Shiria Khatun
General Purposes Committee