

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.31 P.M. ON WEDNESDAY, 8 APRIL 2015

**C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Mayor Lutfur Rahman	
Councillor Oliur Rahman	(Deputy Mayor and Cabinet Member for Economic Development (Jobs, Skills and Enterprise))
Councillor Abdul Asad	(Cabinet Member for Health and Adult Services)
Councillor Alibor Choudhury	(Cabinet Member for Resources)
Councillor Shafiqul Haque	(Cabinet Member for Culture)
Councillor Rabina Khan	(Cabinet Member for Housing and Development)
Councillor Aminur Khan	(Cabinet Member for Policy, Strategy and Performance)

Other Councillors Present:

Councillor Suluk Ahmed	
Councillor Shah Alam	
Councillor Marc Francis	
Councillor Peter Golds	(Leader of the Conservative Group)
Councillor Muhammad Ansar Mustaquim	
Councillor Joshua Peck	

Officers Present:

Stephen Adams	(Finance and Resources Manager, Communities Localities & Culture)
Robin Beattie	(Service Head, Strategy & Resources, Communities Localities & Culture)
Anne-Marie Berni	(Infrastructure Planning Manager, Planning & Building Control, Development & Renewal)
Kate Bingham	(Service Head, Resources, Education Social Care and Wellbeing)
Aman Dalvi	(Corporate Director, Development & Renewal)
David Galpin	(Service Head, Legal Services, Law Probity & Governance)
Andrew Hargreaves	(Borough Conservation Officer, Development and Renewal)
Chris Holme	(Acting Corporate Director - Resources)
Ellie Kuper-Thomas	(Strategy, Policy and Performance Officer - Executive Mayor's Office, One Tower Hamlets, DLPG)

Andy Mace	(Development Manager, Major Project Development, Development & Renewal)
Kevin Miles	(Chief Accountant, Resources)
Jackie Odunoye	(Service Head, Strategy, Regeneration & Sustainability, Development and Renewal)
Ann Sutcliffe	(Service Head Corporate Property and Capital Delivery, Development and Renewal)
David Williams	(Deputy Service Head, Planning and Building Control, Development & Renewal)
Kevin Kewin	(Service Manager, Strategy & Performance)
Matthew Vaughan	(Political Adviser to the Conservative Group)
Matthew Mannion	(Committee Services Manager, Democratic Services, LPG)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Ohid Ahmed (Cabinet Member for Community Safety)
- Councillor Shahed Ali (Cabinet Member for Clean and Green)
- Councillor Gulam Robbani (Cabinet Member for Education and Children's Services)
- Stephen Halsey (Head of Paid Service, Corporate Director, Communities, Localities and Culture)
- Robert McCulloch-Graham (Corporate Director, Education, Social Care and Wellbeing)

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

3. UNRESTRICTED MINUTES

The unrestricted minutes of the Cabinet meeting held on 4 March 2015 were **tabled** and noted.

4. PETITIONS

Petition in relation to Agenda Item 6.4 (Challenge Session Report: The implications of conservation areas for extension of family homes)

Jude Dutnall presented the petition on behalf of the petitioners. After consideration by Members, Councillor Rabina Khan, Cabinet Member for Housing and Development, responded to the points raised.

DECISION

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

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

5. OVERVIEW & SCRUTINY COMMITTEE

5.1 Chair's Advice of Key Issues or Questions in Relation to Unrestricted Business to be Considered

Pre-scrutiny questions were submitted in respect of agenda items 6.1 (Delivery/Procurement options for the new Civic Centre) and 6.3 (Property Procedures for Disposals and Lettings). Members and officers responded to the points raised during discussion of the relevant reports.

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

Allocations Scheme 2015 and Lettings Plan (Cabinet decision 4 March 2015)

The Call-in report from the Overview and Scrutiny Committee meeting held on Tuesday 7 April 2015 was **tabled**. The Lead Member responded to the report and after considering the issues the Mayor:

RESOLVED

1. That the original decision be confirmed subject to an amendment to retain the existing 10% quota for Band 3 applicants for a further 12 months to be reviewed at that time.

Action by:
CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Service Head, Housing Options (C. Cormack))

6. A GREAT PLACE TO LIVE

6.1 Delivery/procurement options for the new civic centre

The Equality Analysis Quality Assurance Checklist was **tabled**. The **Mayor agreed** amended recommendations.

DECISION

1. To agree option 2 as set out in paragraph 2.3 of the report, namely a packaged development and disposals procured via OJEU.
2. To adopt a capital estimate of £2.5 million to undertake investigations and complete the design to RIBA stage 2 and procure a delivery partner based on the chosen model of delivery;

3. To authorise the procurement of the required professional and technical services to undertake the work to RIBA stage 2 utilising, if available, suitable procurement frameworks available to the public sector;
4. To agree disposal of sites identified in paragraph 3.11 of this report in accordance with the Council's disposal procedure and with the requirements of section 123 of the Local Government Act 1972;
5. To note the requirement to obtain the prior approval of the Commissioners appointed by the Secretary of State prior to disposal of the sites identified in paragraph 3.11.
6. To authorise the Corporate Director, Development and Renewal, following consultation with the Service Head – Legal Services, to agree and enter into the terms and conditions of any agreements required to implement recommendations 1, 2, 3 and 4 in order to progress the civic centre project.
7. To authorise the Service Head – Legal Services to execute all documents necessary to give effect to these recommendations.

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

(Service Head, Corporate Property and Capital Delivery (A. Sutcliffe))

Reasons for the decision

Further to the February 2014 Cabinet decision, the acquisition of the former hospital site on Whitechapel High Street has been concluded.

In line with the Executive Mayor and Cabinet instructions at that meeting, officers together with the consultants GVA have completed the further business case review.

The business case has been reviewed and assessed by officers to inform the recommendations within this report.

The lease on Mulberry Place will expire in June 2020.

The landlord of the current offices at Mulberry Place, a private investor, is currently working on a redevelopment of the East India Dock complex into a residential scheme in the near future and public consultation and formal pre application planning consultation is already taking place. Given this likely change of use, it is probable that the council, regardless of whether there was a desire to remain post June 2020, would not be granted a renewal of the lease. It is therefore essential to identify a viable exit route from Mulberry Place to ensure that staff are de-canted by no later than September 2019 to a new facility.

The council must commit to a new civic centre, or face occupying a number of disparate and poorly sited buildings that will lead to inefficiencies and increased costs of operation.

The justification for the further consolidation of council administrative buildings into a purpose built mixed use civic hub is predicated on the disposal of some if not all current administrative sites and additional surplus sites for the capital receipts to cross fund the new development. All these disposals would then deliver significant new housing to the borough.

Officers together with their advisor GVA have undertaken soft market testing with three of the London Development Panel (LDP) members who have all validated the proposed approach as desirable to the market and for which they would all have an appetite to bid for even in the current overheated market.

Alternative options

A number of options have previously been considered and are further modelled and considered in the business case. Whilst officers have made a recommendation in part 1 of this report there are a number of options that can equally be adopted and comply both with Council procedures and procurement rules.

The following table sets out the alternatives and shows the risks and advantages of each. It should be noted however that these risks are by definition somewhat empirical cannot be quantified at the moment. By way of example the decision to dispose of properties separately in the current market would give rise to a perceived benefit of increased capital receipts. This is based on a currently buoyant market; however over the 5-6 year window of the project it is not known how the market will perform so that trying now to forecast the benefit in sales receipts would be disingenuous.

It must be noted that each of the alternatives are currently capable of delivering the new CCW within the required timeframe provided that decisions are made in a timely manner.

Alternative Option	Pros	Cons
<p>Option 1 (recommended above)</p> <p>Packaged development and disposals delivery using a suitable and procurement compliant developer framework</p>	<p>Developer carries the debt to building occupation of the CCW.</p> <p>Ensures that the majority of relevant developers of significant size are approached.</p> <p>Buys early cost certainty including receipts.</p> <p>Developer carries the market risk of the disposals.</p> <p>Developers are best placed to measure and price market risks in general.</p> <p>Reduces total debt to the Council.</p> <p>Time efficient which reduces</p>	<p>This risk being carried by the developer will potentially lower land receipts to the Council</p> <p>Developers will price the risk that they carry.</p> <p>Limits the field to the number of developer consortia on the relevant framework.</p>

Alternative Option	Pros	Cons
	<p>programme risk to the Council and potential additional cost of interim solution.</p> <p>Earlier procurement will reduce exposure to an overheated and volatile market.</p> <p>Ensures a high likelihood of housing delivery.</p> <p>Soft market testing has identified an appetite amongst developers on the London Developer Panel though this is not defined as the chosen framework.</p>	
<p>Option 2 (as 1 but not utilizing a framework)</p> <p>Packaged development and disposals procured via OJEU.</p>	<p>Potentially open up wider competition for the procurement.</p> <p>Developer carries the debt to building occupation of the CCW.</p> <p>Buys earlier cost certainty including receipts than separate disposals but not as early as the preferred option above.</p> <p>Developer carries the market risk of the disposals.</p> <p>Developers are best placed to measure and price market risks in general.</p> <p>Reduces total debt to the Council.</p> <p>Ensures a high likelihood of housing delivery.</p>	<p>Longer procurement will expose the Council to an overheated and volatile market risking higher costs.</p> <p>Time hungry which increases programme risk to the Council and potential additional cost of an interim solution.</p>
<p>Option 3</p> <p>Standalone delivery of the CCW via a developer led solution with disposals marketed separately.</p>	<p>Developer carries the debt to occupation of the CCW.</p> <p>Developer MAY carry debt for longer but this would prove expensive.</p> <p>Separate disposals will potentially deliver higher values though this will depend on the market conditions at the time.</p> <p>Opens procurement up to a potentially different set of developers with different funding models.</p>	<p>Likely to restrict/limit the field of developers willing to bid as no land deal involved for them.</p> <p>Will require OJEU procurement which place programme risks on delivery and potential for a costly interim solution.</p> <p>Increased cost as the developer will only make their profit on the construction cost and a longer term debt repayment without cross subsidy from land receipts.</p> <p>The Council will carry market risk on disposals.</p> <p>The Council will carry programme risk on disposals.</p> <p>The number of sites coming to the market may limit competition for each one reducing revenues.</p>
<p>Option 4</p> <p>Standalone delivery of</p>	<p>Likely to appeal to a wider range of bidders as it doesn't limit the field to those with an interest in housing</p>	<p>If OJEU procurement - risks programme delivery and may result in a costly interim solution</p>

Alternative Option	Pros	Cons
the CCW via a Design and Build led solution with disposals marketed separately	<p>delivery</p> <p>Simplifies the tendering process to a straight forward B&B contractor without developer/funding complexities significantly reducing the programme.</p> <p>Simpler tender evaluation to a straightforward D&B contract, i.e. no developer/funding complexities.</p> <p>Better control over procurement delivery timeline/cost.</p> <p>Separate disposals will potentially deliver higher values (depend on the market conditions at the time).</p> <p>Could be procured via OJEU or construction framework (e.g. Southern Construction Framework).</p>	<p>being put in place.</p> <p>Likely to restrict the field of developers willing to bid as no development returns on offer.</p> <p>The Council will carry market risk on disposals.</p> <p>The Council will carry programme risk on disposals.</p> <p>The number of sites coming to the market may limit competition for each one reducing revenues.</p>

Within these alternatives the following should be noted:

Option 3 - To sell the disposal sites separately from the delivery of the new CCW but to seek via the market a development partner to deliver the CCW and fund it, would Require the Council to enter into some form of a long term payback to a private developer once the CCW is complete.

This alternative:

- May prevent the use of a framework and therefore require the contract to be tendered via OJEU which will present a programme risk for the delivery of the new CCW.
- Cost significantly more to fund as the private developer is making profit purely on the construction and cashflowing the scheme with no other source of profit from the disposal sites.

Option 4 - Procuring the CCW separately from the site disposals and a building contract and ring fencing the capital receipts for cross subsidy;

- May prevent the use of a framework and therefore may require the contract to be tendered via OJEU which will present a programme risk for the delivery of CCW. There are however other alternative frameworks that may be considered.
- In tendering the CCW as a design and build (or any other form of building contract) would require significantly more design to be concluded prior to tendering.
- Require the disposal sites to be sold either as a package or individually in the market and is suggested that this would be open market tendering.
- Require the Council to account for the full amount of the debt at the outset of the development.

In addition to the procurement alternatives above the recommended route utilises design through to RIBA stage 2 Concept Design. This refers to the RIBA-specified plan of work, which organises the process of briefing, designing, constructing, maintaining, operating and using building projects into key stages. Stage 2 is concept design which includes structural design, building services systems, outline specifications and preliminary cost information along with relevant project strategies in accordance with the design programme. It involves agreeing alterations to brief and issuing of a final project brief. Officers believe that this is the minimum level of design that should be undertaken. As discussed later in this report however there are two alternative approaches to the level of design that could be undertaken.

One option is tendering the scheme either in a packaged or non-packaged form but with no further design and due diligence undertaken by the council would place great risk and uncertainty on the Council. In soft market testing all the developers approached felt this would put a great deal of uncertainty on the developers that would be reflected in their pricing and programming assumptions.

This option:

- May prevent the use of a framework and therefore require the contract to be tendered via the OJEU which will present a programme risk for the delivery of the new CCW.
- Poses a very real difficulty in identifying the best value bidder without design parameters to measure.

An alternative option would be fully designing the scheme through to and obtain a planning consent and procuring the scheme in any of the above alternatives should be considered. This option would provide increased delivery and cost certainty to the Council and could be done in conjunction with any of the above alternatives. It would however because of the programme constraints be ideally utilized with a packaged procurement through a suitable and procurement compliant framework as identified in the recommended alternative above.

It should be noted that while all the options are currently deliverable the programmes for OJEU procurement and packaged developer delivery are significantly tighter and therefore as noted above pose a programme risk beyond that of a simpler design and build contract.

6.2 Delegation to the Transport and Environment Committee and Third Variation to the Association of the London Government Transport and Environment Committee Agreement

An amended Appendix 2 was **tabled**.

DECISION

1. To confirm that the functions delegated to TEC to enter into the arrangement with the British Parking Association were and continue to

be delivered pursuant to section 1 of the Localism Act 2011 (“the 2011 Act”);

2. To agree to expressly delegate the exercise of the Council’s general power of competence under section 1 of the 2011 Act to the TEC joint committee for the sole purpose of providing an appeals service for parking on private land for the British Parking Association under contract; and
3. To agree that the TEC Governing Agreement can be varied to this end and the Memorandum of Participation to vary the TEC Governing Agreement can be entered into.

Action by:

SERVICE HEAD, LEGAL SERVICES (D. GALPIN)

(Service Head Public Realm (J. Blake)

(Head of Strategy, Regeneration and Sustainability (J. Odunoye)

Reasons for the decision

London Councils was established as a joint committee between the London Borough of Tower Hamlets, the City of London and the 31 other London Boroughs. The 33 Councils have delegated certain powers to the London Councils Leaders’ Committee and the TEC. The joint arrangements were established under, inter alia; section 101 of the Local Government Act 1972 and what was then section 20 of the Local Government Act 2000 (now section 9EB Local Government Act 2000).

The TEC has been delegated authority to discharge functions of the London Borough of Tower Hamlets under specified transport and environment legislation. The TEC are able to undertake other functions that are conferred on the 33 London Councils or Transport for London (TfL) under any other legislation that relates to transport, planning and environment matters, subject to consultation with and the written agreement of the 33 London Councils. As a joint committee London Councils (and its committees) can only exercise the powers which the London Councils delegate to it.

The PFA 2012 came into force in 2012 and sections 54 to 56 provided that clamping and towing away vehicles on private land would be banned. In addition to this, Schedule 4 to the PFA allowed for the liability for parking charges to be recovered from the keeper of the vehicle as opposed to the driver of the vehicle. Notices may be issued to this effect, provided that specified conditions are met, including that the notice specify the arrangements by which the notice may be referred by the driver to independent adjudication or arbitration. Prior to the introduction of Schedule 4 there was no way of challenging actions taken in relation to parking on private land other than challenging a private parking charge in the courts or asking Trading Standards to consider whether the claim was fair. This was seen as being daunting for people and people often felt obliged to pay.

Prior to the new legislation coming into effect the Government agreed that an independent appeals service should be established in respect of private

parking. This was then provided for in the PFA 2012. The legislation does not specify who is to provide the independent appeals service. The BPA decided to introduce an independent appeals service in London and the TEC agreed that London Councils would provide this appeals service for parking on private land for the BPA under contract.

The POPLA service is fully funded by the BPA and is delivered by London Councils under contract to the BPA on a full cost recovery basis at no cost to the taxpayer. The POPLA service was established on 1 October 2012 to coincide with coming into effect of Schedule 4 of the Protection of Freedoms Act 2012. The Government made the creation of an independent appeals service a pre-condition for the commencement of Schedule 4 which provides for a form of keeper liability.

To take advantage of the keeper liability provisions an operator must be a member of an approved industry body such as the BPA and must meet certain criteria (Code of Practice) to become a member of the Approved Operator Scheme (AOS). Operators who are not a member of an approved trade association, such as the BPA, may not access the DVLA's database, and, in effect, cannot enforce any parking charge notices they issue against the keeper of a vehicle. Motorists may only appeal to POPLA against a parking charge notice issued by an operator who is a member of the BPA's approved operator scheme.

Members of the BPA account for more than 85% of all parking charge notices issued throughout England and Wales. London Councils have been unable to say how many operators are active within Tower Hamlets and have advised that the number will regularly change as contracts change hands.

The membership of the Approved Operator Scheme ensures that all enforcement companies operate in a fair and transparent manner. A member company will be measured against all the requirements within the Code of Practice to ensure residents and all other parties are confident they are receiving a fair and effective service. Membership will be refused to operators failing to meet the standards required of the Code of Practice, or members may be withdrawn who operate outside of the Code subsequent to warnings over operating practices.

London Councils have advised that the appeals process works in a similar way to the appeals against penalty charge notices issued by the council for parking contraventions. The notice gives details of the appeals procedures, including POPLA, and initial appeals are made to the operator. If the operator rejects the appeal, the motorist may then appeal to POPLA (or may take their appeal directly to court). Appeals are free of charge to the motorist and, while not binding on the motorist, the outcome is binding on the operator. The current appeal rate of more than 30,000 a year, represents about a 1% appeal rate, roughly the same as for on street parking enforcement. POPLA does not maintain statistics on the address of each appellant.

Any person can appeal such a parking charge notice and representations should be made to the operator who issued the parking charge notice. If

these are rejected, there are 28 days to appeal against the operator's decision. The independent POPLA Assessor will consider all the evidence presented by the motorist and by the operator. POPLA aim to send out the decision to all parties on the working day following the Assessor's decision.

The POPLA service is available for use by all approved operators enforcing parking on private land in the borough (and those who have received parking charge notices when parking on the associated land within the borough). This includes the council's housing land and the POPLA service used by Tower Hamlets Homes (THH). All ALMO managed land is using the POPLA service, with the exception of a few pockets of private land which is not using this service at present. THH have a contract with NSL to provide ticketing and enforcement services and THH have been using the services since the PFA 2012 came into force. THH and NSL are not currently using the access to the DVLA however as there is dispute as to the local authority being able to access the DVLA records. THH are, however, using the POPLA system.

The benefit to THH is that those vehicles parked outside of the conditions of parking on their private estates will be issued with a Parking Charge Notice. This will enable residents who have paid for a permit to park to be free to do so in the way that the resident's scheme was intended. THH have a contractor who performs enforcement on the housing estates, with the sole aim to ensure that residents are able to park in the bay they are renting. THH have stated that if land under their management was subject to road traffic regulations, then this would be more expensive and it is a benefit to residents for the land to remain as private land.

The principle benefit to THH and, consequently, the Council, is to ensure that a fair and equitable enforcement service is carried out and that all parties have an opportunity to state their case in relation to a Parking Charge Notice. There is also a consistency of approach, which represents best practice, as to how ticket enforcement is carried out by contractors. Landlords and residents within Tower Hamlets will feel the benefit from an effective and fair enforcement service. This will enable all who are entitled to park within THH managed estates to be able to do so free of vehicles which are not entitled to do so.

As noted above an objection has been raised on the London Councils consolidated accounts by an interested person (residing within London) that the TEC did not have the legal power to provide the POPLA service. London Councils' auditors, PWC, have, for some time, been investigating this and numerous other objections submitted by the same person.

PricewaterhouseCoopers (PwC) has informed London Councils of legal advice it has had from the Audit Commission on the Commission's view as to the power of London Councils to provide the POPLA service. In essence, the Audit Commission advice accepts that the London local authorities have the power under section 1 of the 2011 Act to provide the service and that the exercise of these functions could be delegated to the TEC. London Councils has agreed with this conclusion.

The Audit Commission advice, however, questions whether the exercise of those functions has been properly delegated to the TEC. The issue turns on:

- Whether the Committee could be said to have existing delegated authority under the terms of the TEC Governing Agreement;
- Alternatively, whether it made or confirmed such a delegation by virtue of the decisions it made to provide the service in 2012; or
- Whether each individual authority should have expressly resolved to delegate the exercise of section 1 of the 2011 Act to the joint committee for the purposes of TEC's delivery of the POPLA service with the TEC Agreement being formally varied accordingly.

PwC has asked for London Councils' view on this advice in advance of making a formal determination about the objection. London Councils and its legal advisors remain of the view that the service is currently being delivered by TEC on a lawful basis on behalf of all the participating authorities with their consent and proper authority under the existing terms of the TEC Governing Agreement, and confirmed by the Committee resolving to provide the service in 2012 with these matters having been raised with local authorities prior to those decisions being taken in the normal way in respect of the TEC business. However London Councils have accepted, that there is room for argument as to whether individual councils had to state expressly that they agreed that the arrangement with the BPA was pursuant to exercise by TEC of their powers under section 1 of the 2011 Act.

In the circumstances, London Councils have asked all participating London boroughs and the City of London to take the steps outlined in the recommendations above to put beyond doubt, so far as is possible, the work of the TEC in operating POPLA.

Alternative options

If any of the authorities take a decision to make the delegation without the prior confirmation or ratification of the delegation, then the variation could be amended to substitute the words "were and continue" with "will". There would be no need to alter the substantive provisions of the variation setting out the terms of the delegation to the joint committee, which delegation would legally take effect from the date that all the participating authorities (and TfL) returned their signed Memorandum of Participation for inclusion in the Agreement.

The London Borough of Tower Hamlets could decide not to delegate the requested functions to the London Councils. The implication of this would be that London Councils would be unable to provide the POPLA service and therefore there would be no independent parking on private land appeals service which the residents within our Borough could appeal to in respect of actions taken when parking on private land.

6.3 Property Procedures for Disposals and Lettings

DECISION

- 1) To approve the revised Property Procedure for Disposal and Lettings.
- 2) To authorise the corporate director to incorporate such of the suggestions of the Overview and Scrutiny Committee as are considered appropriate and otherwise to provide written responses to the matters raised by the committee.
- 3) To note the requirement for approval from the Commissioners, set out in paragraph 5.6 of the report.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Service Head, Corporate Property and Capital Delivery (A. Sutcliffe))

Reasons for the decision

It is important the council has robust procedures in place to deal with property related transactions.

It is prudent to combine existing procedures with regards to disposal and lettings of property

The previous procedures were approved five years ago and there is a natural requirement to review these procedures, not only in light of recent audits but also to recognise the landscape has changed since the previous disposal procedure was approved

Alternative options

The council is required to review its disposal procedure in accordance with Mazars report recommendation (5) and the PWC Best Value report, (October 14).

6.4 Challenge Session Report: The implications of conservation areas for extension of family homes

DECISION

1. To agree the action plan in response to the review recommendations.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Head of Planning and Building Control (O. Whalley))

Reasons for the decision

This report submits the report and recommendations of the Planning in conservation areas scrutiny challenge session for consideration by the Overview and Scrutiny Committee.

Overview and Scrutiny identified a concern amongst some residents that the planning constraints in conservation areas are adversely affecting the ability of homeowners to remain in the borough as their families grow. This is due to planning controls over extending properties within conservation area. The issue predominately affects Victorian and Edwardian terraced properties, with the majority of these properties being in a conservation area. Tower Hamlets has 58 designated conservation areas, covering around 26 percent of the borough's land mass.

The focus of the challenge session was therefore to see if a middle-ground could be found between preserving the special character of conservation areas and finding solutions for modern family living. The Challenge Session looked to explore what changes to planning policy, practice or procedures could be made to address these concerns, whilst still protecting the character of Conservation Areas.

Alternative options

To take no action. This is not recommended as the proposed recommendations are strategic, measurable and attainable. A timetable for delivering the recommendations has also been agreed by Officers at the most senior levels of the organisation. The action plan is outlined in Appendix Two.

To agree some, but not all recommendations. As outlined above all of the recommendations are achievable at little additional cost to the organisation. Although the scrutiny review group is confident all the recommendations will be addressed, there may be reasons for not accepting all of them.

6.5 Consultation on draft Revised Planning Obligations SPD

Amendments were **tabled**.

DECISION

1. To approve the Revised Planning Obligations SPD (as set out in Appendix 1 of the report), for public consultation.
2. To delegate authority to the Corporate Director of Development and Renewal, to make changes to the Revised Planning Obligations SPD where necessary, prior to the beginning of the consultation period provided the changes do not change the substance of the document.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)

(Head of Planning and Building Control (O. Whalley))

Reasons for the decision

Cabinet is asked to agree the publication of the Revised Planning Obligations SPD for public consultation. The SPD sets out the Council's approach to the future use of S106 and its relationship with CIL. It explains the Council's approach to infrastructure provision in general and explains which

mechanisms will be used to mitigate the impacts of development and to secure specific types of infrastructure.

Alternative options

Do Nothing and Retain Current Planning Obligations SPD

Failure to proceed with a Revised Planning Obligations SPD to accommodate the changes in Government policy on the application and use of Planning Obligations would mean that (when the Council CIL is adopted) the Council may not have a sufficiently robust foundation upon which to continue to apply Planning Obligations within the limitations set out in The Community Infrastructure Levy Regulations 2010 (as amended) ("the CIL Regulations"). Without a Revised Planning Obligations SPD there would be no clarity on the use of Planning Obligations under the new Government policies and the Council would be more vulnerable to challenge at Planning Appeal, over compliance with the NPPF and CIL Regulations.

If the Council does not adopt a Revised Planning Obligations SPD, following a statutory period of consultation, the Council's capacity to secure site specific mitigation measures and other Planning Obligations will be more limited.

7. A PROSPEROUS COMMUNITY

7.1 CLC Capital Programme 2015/16

DECISION

1. To include the schemes listed in Appendix A to the report within the Communities Localities & Cultural Services Directorate's 2015/2016 Capital Programme.
2. To adopt Capital Estimates (sum specified in estimated scheme cost column, inclusive of fees) for the schemes as outlined in Appendix A to the report.
3. To agree that where possible the Council's Measured Term Contracts be used for the implementation of the Transport and Highways Works as appropriate

Action by:

CORPORATE DIRECTOR, COMMUNITIES, LOCALITIES AND CULTURE (S. HALSEY)

(Service Head, Strategy and Resources (R. Beattie)

(Business Finance Partner (S. Adams)

Reasons for the decision

Cabinet agreed a Capital programme 2014-2018 on the 4th Feb 2015, the approved budget for the period was £26.504m, of which £14.560m relates to FY 2015/16. This report details new schemes and schemes requiring adoption of capital estimate, totalling £8.712m, as outlined in Appendix A, funded from

the following sources:

£'000

Local Implementation Plan (TfL)	2,506
Borough Cycling Plan (TfL)	115
Cycle Superhighways Route 2 Upgrade	750
LBTH Capital	2,580
S106 Developers Contribution (approved by PCOP)	2,761

All schemes link with the Council's Strategic Plan and Community Plan through strategic priorities 2.2 and 2.3 in the Great Place to Live theme. Priority will be given to those schemes which are time constrained and must be subject to practical completion by the 31st March 2016.

The revised CLC Directorate Capital Programme for 2015/16 is now £15.917m, which has been amended to take account of decisions taken by the Council, Mayor and officers, including the additional grant resources that have become available.

The following table sets out a reconciliation of the revised capital programme

	£'000
Cabinet Approved schemes – February 2015	14,560
Changes to TfL schemes	772
Additional S106 schemes	585
Revised CLC Capital Programme 2015/16	15,917

PCOP has approved £1,438k of S106 funding for Transportation and Highways works, £550k Bartlett Park, £246k allocated for Bethnal Green Library works, £497k allocated for Public Toilets works and £30k for Community Safety, for works in Kings Arms Court Alleyway E1.

All works are fully funded. Some areas of funding such as S106 are not restricted to delivery in 2015/16 and as work programming develops in more detail, the programme will be further revised to include planned carry forward to 2016/17 if appropriate.

As in previous years the Council's Major Planned Highway Works Contract, CLC 4371 will be utilised for the implementation of the highways programme. This contract was awarded in July 2014 after a comprehensive competitive tendering process and now includes specialist areas of drainage, street lighting works and professional services in addition to highway maintenance and construction services and commences with effect from October 1st 2014. Other framework contracts shared with partner organisations are also available for utilisation offering potential to test for value for money.

Alternative options

Nil.

8. A SAFE AND COHESIVE COMMUNITY

Nil items.

9. A HEALTHY AND SUPPORTIVE COMMUNITY**9.1 Adult Social Care Local Account****DECISION**

1. To note the content and approve the publication of the Local Account.

Action by:

**CORPORATE DIRECTOR, EDUCATION, SOCIAL CARE AND WELLBEING
(R. McCULLOCH-GRAHAM)**

(SPP Officer, Education, Social Care and Wellbeing (J. Kerr))

Reasons for the decision

Local Account is being put before Cabinet for sign off and information purposes.

Alternative options

N/A

10. ONE TOWER HAMLETS**10.1 Strategic Plan 2015/16****DECISION**

1. To approve the draft Strategic Plan (appendices 1 and 2 to the report)
2. To approve the draft Single Equality Framework (appendix 3 to the report)

Action by:

**SERVICE HEAD, CORPORATE STRATEGY AND EQUALITY (L.
RUSSELL)**

Reasons for the decision

The Strategic Plan outlines the council's key priorities for the year alongside the more detailed actions that will support their delivery. The plan also sets out the strategic performance measures with which we track our progress.

The Single Equality Framework (SEF) sets out the Council's framework for tackling inequality and promoting cohesion. We have integrated the equality objectives of the SEF into the Strategic Plan, ensuring that a focus on tackling inequality informs the strategic direction of the council. It also enables us to demonstrate that we are meeting the requirements of the Public Sector

Equality Duty to prepare and publish objectives which demonstrate how the organisation will meet the aims of the Duty.

Alternative options

The Mayor in Cabinet may choose not to agree a Strategic Plan or Single Equality Framework. This course of action is not recommended as there would be a significant planning gap: the Strategic Plan and SEF are key elements of the council's business planning arrangements. In addition, the council's priorities for the year would not be articulated and the key supporting activities and performance measures would not be agreed for monitoring.

The Mayor in Cabinet may choose to amend the Strategic Plan or Single Equality Framework prior to approval. If he wishes to amend the Plan or SEF, regard would need to be given to the Council's medium term financial plan, with which they are aligned, as well as any impact arising from the changes.

10.2 Strategic Performance, 14/15 General Fund Revenue Budget and Capital Programme Monitoring Q3

DECISION

1. To note the Council's financial performance compared to budget for 2014/15 as detailed in Sections 3 to 6 and Appendices 1-4 of the report
2. To approve the use of specific reserves set aside for ICT infrastructure works as set out in paragraph 4.7 of the report.
3. To note the 2014/15 quarter 3 performance for reportable Strategic Measures in section 7 and Appendix 5 to the report.

Action by:

ACTING CORPORATE DIRECTOR, RESOURCES (C. HOLME)

(Chief Accountant, (K. Miles)

(Service Head, Corporate Strategy and Equality (L. Russell)

Reasons for the decision

Good financial practice requires that regular reports be submitted to Council/Committee setting out the financial position of the Council against budget, and its service performance against targets.

The regular reporting of the Strategic Performance and Corporate Revenue and Capital Budget Monitoring should assist in ensuring that Members are able to scrutinise officer decisions.

Alternative options

The Council reports its annual outturn position against budget for both revenue and capital net spend. It also reports its strategic performance.

Significant variations, trends and corrective action are reported in the body and appendices of the report. No alternative action is considered necessary beyond that included below and this report is produced to ensure that Members are kept informed about decisions made under the delegated authority.

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

12. UNRESTRICTED REPORTS FOR INFORMATION

Nil items.

13. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

14. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

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

Nil items.

17. A PROSPEROUS COMMUNITY

Nil items.

18. A SAFE AND COHESIVE COMMUNITY

Nil items.

19. A HEALTHY AND SUPPORTIVE COMMUNITY

Nil items.

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 6.34 p.m.

John S Williams
SERVICE HEAD, DEMOCRATIC SERVICES