

LONDON BOROUGH OF TOWER HAMLETS

DECISIONS OF THE COUNCIL

HELD AT 7.00 P.M. ON WEDNESDAY, 22 NOVEMBER 2017

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

During the meeting the Council agreed to vary the order of business. To aid clarity, the Decision Sheet is presented in the order that the items originally appeared on the agenda.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Mohammed Mufti Miah
- Councillor Gulam Kibria Choudhury

Apologies for lateness were received on behalf of Councillors Rachael Saunders, Amina Ali, Rabina Khan, Shafi Ahmed, Ayas Miah, Joshua Peck, and Rachel Blake.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Shafi Ahmed declared a personal interest in Agenda Item 5.3 Petition regarding Zebra Crossing at Henriques Street, E1 as a Governor at Harry Gosling Primary School.

Councillor Denise Jones declared a Disclosable Pecuniary Interest in Agenda item 8.2, a Member Question relating to the Council Tax reduction scheme as she was self employed.

Councillor Mahbub Alam declared a Disclosable Pecuniary Interest in Agenda item 8.2, a Member Question relating to the Council Tax reduction scheme as he worked for a car hire company. He also declared a Disclosable Pecuniary Interest in Agenda Items 12.17, Motion regarding housing in Tower Hamlets and 12.18 Motion regarding Fire Safety in Tower Hamlets for Residents (which were not considered) as a housing tenant.

Councillor Sirajul Islam declared a personal interest in Agenda item 12.8 Motion regarding the future of Old Ford Housing Association as he was a Council tenant.

Councillor Rajib Ahmed declared a Disclosable Pecuniary Interest in Agenda Item 12.17 Motion regarding housing in Tower Hamlets as a leaseholder of property.

Councillor Dave Chesterton declared a Disclosable Pecuniary Interest in Agenda Item 12.17 Motion regarding housing in Tower Hamlets as a landlord of property in the borough.

Councillor Khaled Uddin Ahmed declared a Disclosable Pecuniary Interest in Agenda Item 12.17 Motion regarding housing in Tower Hamlets as a leaseholder of property in the borough.

Councillor Helal Uddin declared a Disclosable Pecuniary Interest in Agenda Item 12.17 Motion regarding housing in Tower Hamlets as he and his wife were leaseholders of property in the borough. He also declared a personal interest in this item as his employer had a working relationship with Poplar HARCA.

Councillor David Edgar declared a Disclosable Pecuniary Interest in Agenda Item 12.17, Motion regarding housing in Tower Hamlets as his wife is a landlord of property.

The following Councillors declared Disclosable Pecuniary Interests in Agenda Items 12.17 Motion Regarding housing in Tower Hamlets and 12.18 Motion regarding Fire Safety in Tower Hamlets as landlords of property:

- Councillor Shah Alam
- Councillor Muhammad Ansar Mustaqim
- Councillor Harun Miah
- Councillor Suluk Ahmed

Councillors Craig Aston, Clare Harrison and Danny Hassell declared a Disclosable Pecuniary Interest in Agenda Item 12.17 Motion regarding housing in Tower Hamlets as private renters in the Borough.

Members declaring Disclosable Pecuniary Interests would be required to leave the room for the duration of the relevant agenda items.

3. MINUTES

DECISION:

1. That the unrestricted minutes of the Ordinary Meeting of the Council held on Wednesday 20 September 2017 be confirmed as a correct record and the Speaker be authorised to sign them accordingly.

(Action by: Matthew Mannion, Committee Services Manager, Democratic Services)

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

There were no announcements.

5. TO RECEIVE PETITIONS**5.1 Petition regarding Watts Grove**

Terry McGrenera addressed the meeting and responded to questions from Members. Mayor John Biggs then responded to the matters raised in the petition.

DECISION:

1. That the petition be referred to the Acting Corporate Director, Place for a written response within 28 days.

(Action by: Ann Sutcliffe, Acting Corporate Director, Place).

5.2 Petition regarding new secondary school, Westferry Printworks site

Father Tom Pyke and others addressed the meeting and responded to questions from Members. Councillor Amy Whitelock Gibbs Cabinet Member for Education and Children's Services then responded to the matters raised in the petition.

DECISION:

1. That the petition be referred to the Corporate Director, Children's, for a written response within 28 days.

(Action by: Debbie Jones, Corporate Director, Children's)

5.3 Petition regarding Zebra Crossing at Henriques Street, E1

Lukey Begum addressed the meeting and responded to questions from Members. Mayor John Biggs then responded to the matters raised in the petition.

DECISION:

1. That the petition be referred to the Acting Corporate Director, Place for a written response within 28 days.

(Action by: Ann Sutcliffe, Acting Corporate Director, Place).

6. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

The following questions followed by a supplementary question (except where indicated) were put and responded to by the Mayor or the relevant Executive Member:-

- 6.2 Question from Norma Vondee regarding the success of the WorkPath initiative. (No supplementary question was asked).
- 6.4 Question from Mohammad Rafique Ullah about rent levels at Watts Grove compared to Poplar Baths and Dame Collet House.
- 6.5 Question from Polly Avison regarding police officers and PCSOs in Tower Hamlets. (No supplementary question was asked).

Questions 6.1, 6.3, and 6.6 were not put due to the absence of the questioner. Written responses would be provided to the questions.

(Action by:- Matthew Mannion, Committee Services Manager, Democratic Services to arrange written responses)

7. MAYOR'S REPORT

The Mayor presented his tabled report to the Council. The Leaders of the respective political groups then responded briefly to the Mayor's report.

8. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL

The following questions and in each case supplementary questions were put (except where indicated) and were responded to by the Mayor or relevant Executive Member-

- 8.1 Question from Councillor Helal Uddin about work to tackle the housing crisis.
- 8.2 Question from Councillor Oliur Rahman about changes to the Council Tax reduction scheme and its impact.
- 8.5 Question from Councillor Shiria Khatun about the Council's response to the Met Police consultation on front counter closures. No supplementary question was asked)

Questions 8.3 – 4 were not put due to the absence of the questioners. Questions 8.6- 29 were not put due to lack of time. Written responses would be provided to the questions.

(Action by:-Matthew Mannion, Committee Services Manager, Democratic Services to arrange written responses)

9. REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES**9.1 Report following an Individual Mayoral Decision - Acquisition of Affordable Homes**

The Council considered a decision following on from an Individual Mayoral Decision published on Friday 10 November 2017. The recommendation was put to the vote under the guillotine procedure at Council Procedure Rule 9

DECISION:

1. That the allocation of £119.0 million in the capital programme to fund the purchase of, and any works required to dwellings be agreed.

(**Action by:** Ann Sutcliffe, Acting Corporate Director, Place).

9.2 Report of the General Purposes Committee - Constitution Review – Council Procedure Rules

The Council considered a report of the General Purposes Committee following a review of the Council Procedure Rules section of the Council's Constitution. The recommendation was put to the vote under the guillotine procedure at Council Procedure Rule 9

DECISION:

1. That the revised Council Procedure Rules at Appendix 1 to the report be approved.

(**Action by:** Asmat Hussain, Corporate Director, Governance and Monitoring Officer)

9.3 Report of the General Purposes Committee - Constitution Review – Member/Officer Relations' Protocol

The Council considered a report of the General Purposes Committee following a review of the Member/Officer Relations' Protocol section of the Council's Constitution. The recommendation was put to the vote under the guillotine procedure at Council Procedure Rule 9.

DECISION:

1. That the revised Member/Officer Relations' Protocol at Appendix 1 to the report be approved.

(**Action by:** Asmat Hussain, Corporate Director, Governance and Monitoring Officer)

9.4 Report of the Audit Committee - Treasury Management Mid-Year Report 2017/18

The Council considered a report from the Audit Committee setting out the Treasury Management Mid-Year Report 2017/18. The recommendations were put to the vote under the guillotine procedure at Council Procedure Rule 9.

DECISION:

That the Council note:

1. The contents of the treasury management activities and performance against targets for half year ending 30th September 2017;
2. The Council's outstanding investments which amount to £447.1m at 30th September 2017 as set out at appendix 2 to the report;
3. The potential impact on the Council of becoming a retail client with effect from 3rd January 2018 as set out at section 3.7 of the report; and
4. The protections available to retail clients that the Council will forgo as a result of opting up to professional client as set out at appendix 4 to the report.

(Action by: Zena Cooke Corporate Director, Resources)

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

There was no business to transact under this agenda item.

11. OTHER BUSINESS

11.1 Review of proportionality and allocation of places on committees and panels of the Council 2017/18

The Council considered the report of the Corporate Director, Governance, in respect of changes to the proportionality calculations for allocating places on the Council's Committees. The recommendations were put to the vote under the guillotine procedure at Council Procedure Rule 9.

DECISION:

1. That the review of proportionality as at section 3 of the report be noted and the allocation of seats on committees and panels be agreed for the remainder of the Municipal Year 2017/18 as set out at paragraph 4.2 of the report.
2. To note the committees and panels established for the municipal year 2017/18 as listed in paragraph 4.2 as agreed at the Annual Council meeting held on Wednesday 17 May 2017.
3. That Councillor Gulam Kibria Choudhury be appointed as a Member of the Development Committee and Councillors Md Maium Miah and Mohammed Mufti Miah be appointed deputies of the Development Committee.
4. That the Corporate Director, Governance be authorised to approve the appointment of ungrouped Councillors to any committee places not allocated by the Council to a political group, after consultation with those Councillors and the Speaker of the Council.

(**Action by:** Asmat Hussain Corporate Director, Governance and Monitoring Officer)

12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL

12.4 Motion regarding Operation Lynemouth

Mayor John Biggs **moved** and Councillor Sirajul Islam **seconded** the motion as printed in the agenda.

Councillor Peter Golds **moved** and Councillor Andrew Wood **seconded** the following friendly amendment to the motion:

Insert as Item 2 after this Council notes;

The report contains a number of significant observations including;

From Page 12

“It would appear that the original MPS investigation failed to secure pivotal evidence which could have led to further enquiries. Operation Lynemouth has done so and is seeking early advice from the CPS as to whether the evidence provides realistic opportunities for investigation and prosecution.”

From Page 14

“The MPS’s fraud squad considered ten matters during the original investigation, including allegations of fraud, bribery, perjury and tax evasion, but did not make any arrests. Operation Lynemouth has already identified potential evidential opportunities, although there is still much work to be done.”

Insert as Item 4 after this Council resolves;

Item 4

That the residents of the borough will look to the police, electoral officials, political parties, their candidates and supporters to ensure that the elections to be held in 2018 are free, fair and untainted by the malpractice which so damaged the reputation of this borough in 2014.

Renumber Item 4 as Item 5

Mayor John Biggs and Councillor Sirajul Islam accepted the amendment and altered their motion accordingly.

Following debate, the motion as amended was put to the vote and was **agreed**.

DECISION:

This Council notes:

1. That Operation Lynemouth has published its second interim report, which is investigating *‘any alleged criminal or electoral wrongdoing... committed, counselled or procured by a senior figure (or senior figures) within the London Borough of Tower Hamlets’* between 25 October 2010 and 23 April 2015.
2. The report contains a number of significant observations including;

From Page 12

“It would appear that the original MPS investigation failed to secure pivotal evidence which could have led to further enquiries. Operation Lynemouth has done so and is seeking early advice from the CPS as to whether the evidence provides realistic opportunities for investigation and prosecution.”

From Page 14

“The MPS’s fraud squad considered ten matters during the original investigation, including allegations of fraud, bribery, perjury and tax evasion, but did not make any arrests. Operation Lynemouth has already identified potential evidential opportunities, although there is still much work to be done.”

This Council believes that:

1. Although, as was stated in the election Court judgement *‘the election of all THF (Tower Hamlets First) Councillors must be taken to have been achieved with the benefit of the corrupt and illegal practices’*, all councillors in Tower Hamlets have a legal and moral duty to support the police investigation into the wrongdoing of the past;
2. While many councillors who were elected as part of Tower Hamlets First still serve on the Council in the Tower Hamlets Independent Group and the People’s Alliance of Tower Hamlets, including potentially two Mayoral Election candidates, and that they remain in denial about the corrupt regime which they were a part of, all sitting councillors and the Mayor have a personal responsibility to address the failures and criminality of the Lutfur Rahman administration and help the borough move forward. We note with sadness that while a majority accept this responsibility a sizeable minority clearly do not.

This Council resolves:

1. To welcome and fully support the HMIC investigation into alleged criminal offences arising from the 2014 mayoral election;
2. That every councillor should cooperate fully with any police investigation into criminality, including coming clean about any of their own actions and proactively offering any evidence they may have of wrongdoing;
3. To work to ensure the highest possible standards in the coming election and consign the electoral fraud of the previous administration to the past;
4. That the residents of the borough will look to the police, electoral officials, political parties, their candidates and supporters to ensure that the elections to be held in 2018 are free, fair and untainted by the malpractice which so damaged the reputation of this borough in 2014.
5. To condemn in the strongest possible terms the illegality of the former mayor.

(Action by: Asmat Hussain Corporate Director, Governance and Monitoring Officer)

12.8 Motion regarding the future of Old Ford Housing Association

Councillor Marc Francis **moved** and Mayor John Biggs **seconded** the motion as printed in the agenda.

Following debate, the motion was put to the vote and was **agreed**.

This Council notes:

1. Old Ford Housing Association (OFHA) was established in 1998 as the successor body to Tower Hamlets Housing Action Trust (HAT);
2. OFHA was a subsidiary of Circle 33 Housing Trust for financing purposes, but was accountable to its own Board of tenants, leaseholders and independent members;
3. In 2005, Circle 33 merged with Anglia Housing to form Circle Anglia Ltd, and that other associations joined later to form Circle Housing Group;
4. In July 2007, LBTH transferred the “Parkside” council estates to OFHA with the promise to refurbish individual flats and the estates within five years;
5. In 2015, following complaints from LB Islington and LBTH about the performance of its repairs service, the Social Housing Regulator found evidence of “serious detriment” to tenants and downgraded Circle Housing Group, requiring an action plan to improve governance;
6. In response, Circle put forward an “action plan”, which involved closing down its subsidiaries, including Old Ford HA, and centralising services, moving most Bow-based staff to a new call-centre in Kent;
7. In summer 2016, despite clear evidence of a continuing deterioration in services, including tenants being left without heating for weeks on end, the Regulator upgraded Circle again;
8. Within days, Circle announced its intention to merge with Affinity Sutton *“to create the largest housing association in Western Europe”*;
9. In response to Circle’s “consultation”, more than 1,000 residents signed a petition opposing the proposed closure of Old Ford, which led to Old Ford’s Board declining to agree to Circle’s proposal;
10. Following a Parliamentary debate initiated by Rushanara Ali MP, the Regulator finally began an investigation, which confirmed “serious detriment” had again been caused to tenants and resulted in the newly-merged Circle / Affinity Sutton being downgraded again in December 2016;
11. The former Chief Executive and Chair of Circle have both left the new organisation - Clarion Housing Group - and it is now run by former

Affinity Sutton staff;

12. While Clarion's new Management Team has made some improvement in services, it is continuing with Circle's plan to close subsidiaries and centralise services;
13. Clarion has asked Old Ford's Board to consult residents again on closing Old Ford;
14. At least two other local community-based housing associations have expressed an interest in coming together with Old Ford.

This Council believes:

1. The ex-HAT and "Parkside" estates in Bow were transferred to Old Ford on the basis that it would be a "*community-based housing association*", and that residents voted in favour of the transfers from LBTH on that basis;
2. As the former landlord, Tower Hamlets Council has a moral and legal responsibility to ensure that any substantive changes to the governance arrangements at Old Ford are only made with the consent of residents;

This Council resolves:

1. To oppose any attempt by Clarion Housing Group to close Old Ford without the formal consent of residents;
2. To support the Mayor and Cabinet in opposing these plans publicly, including by raising objections to the Housing Minister and Social Housing Regulator, and by legal means if necessary;
3. To support the Mayor and Cabinet in facilitating direct discussions between Old Ford's Board and those other community-based housing associations that have expressed an interest in combining with Old Ford.

(Action by: Ann Sutcliffe, Acting Corporate Director, Place).

12.15 Motion regarding Westferry Printworks Secondary School

Councillor Dave Chesterton **moved** and Candida Ronald **seconded** the motion as printed in the agenda.

Following debate, the motion was put to the vote and was **agreed**.

DECISION:

The Council notes:

1. The Council's Local Plan adopted in April 2013 identifies the site of the former Printworks on Westferry Road as a priority location for a new secondary school on the Isle of Dogs.
2. A new 1,200 place secondary school on this site was granted planning consent in May 2016. When this opens this will be the first new second secondary school on the Isle of Dogs since George Green's School opened in 1975, more than 40 years ago;
3. Currently there is a surplus of secondary school places on the Isle of Dogs (just over 7% across all year groups). Current projected demand for secondary school places indicates that additional provision will not be required until the start of the school year 2021/22;
4. The "free school presumption" is the process Local Authorities have to follow where they intend to open a new school. It is set out in section 6(A) of the Education & Inspections Act 2006 which provides that where a Local Authority believes that a new school needs to be established in their area, they must seek proposals for the establishment of an Academy or Free School;
5. However, the guidance clearly states (para 17) that 'In considering the need for a new school, local authorities should factor in any other free school projects that the department has approved and are due to open;'
6. The Secretary of State has made it clear that she considers Canary Wharf College to be an appropriate provider as it is already open as a school and includes secondary provision from September 2016;
7. Even where the Council decides to run a competition, the Secretary of State is the ultimate decision maker and may decide to appoint a sponsor other than that recommended to her by a local authority following competition. The guidance states: "The Secretary of State reserves the right to agree a sponsor of her own choice (from the list of approved sponsors) on the basis that she may have further evidence about a proposer, or proposers, which means that none of those put forward is suitable." In this instance it seems likely she may decide to appoint Canary Wharf College despite other expressions of interest submitted, making the process abortive for the Council and other schools who bid;

8. If the Council opts to run a competition, the Council could bear costs of up to £30million, in addition to the costs of running the free school competition. The costs would remain the responsibility of the Council regardless of the Secretary of State's decision on who the provider will be;
9. If the school goes ahead as a central free school determined by the Department for Education, and the Council does not run a competition, the capital costs and the pre and post-opening costs for the school would be borne by the Department for Education;

This council also believes:

10. That the previous Regional Schools Commissioner indicated that, by virtue of the fact Canary Wharf College has already been approved by the Secretary of State to open a secondary school on the Isle of Dogs, it would be fair to assume the Government intends to approve Canary Wharf College despite any recommendation process.

The Council Believes;

1. There is no need to rush to select an operator for the Westferry Printworks Secondary School, this secondary school will not be required until September 2021;
2. The process by which an operator for this new school is selected should be by open competition, completely transparent and the views of parents placed at the centre of the selection process;
3. Potential operators must be able to evidence outstanding success in:
 - a. High educational attainment for children from diverse backgrounds;
 - b. Community cohesion and inclusiveness;
 - c. Actively reaching out to children from poor families;
 - d. Actively reaching out to children of parents from all faiths;
 - e. Positively encouraging children with special needs.
4. Ideologically motivated interference by the Secretary of State in this selection process is unacceptable;
5. That by making the Council liable for what could cost £30m, without giving them the power to decide on who will run the school is entirely wrong and flies in the face of parents' wishes and local democracy;

The Council Resolves to:

1. Ask the Mayor to continue to stand up for the rights of local parents, to have their voices heard and to write to the Secretary of State urging her to properly consider and be guided by local opinion before making any decision on this site;

2. Ask the Mayor to urge the Secretary of State and Regional Schools Commissioner not to undermine local decision-making and accountability, and to be open about their intentions relating to the Westferry Printworks Secondary School and to make this process fully open by waiving in advance of any local competition, the requirement for council to fund as much as £30m costs should the recommendation of such a competition not be approved by the Secretary of State;
3. Call on Conservative Councillors to add their voices to local concerns and make representations to the Department for Education to enable a genuine free school competition where the decision is not pre-determined and which does not cost the council millions even if the local process is then overturned by Government;
4. Refer the petition signed by local people to the Secretary of State and Regional Schools Commissioner.

(Action by: Debbie Jones, Corporate Director Children's Services)

Motions 12.1, 12.3, 12.5-12.7, 12.9- 12.14 and 12.16-12. 21 were not debated due to lack of time.

13. URGENT MOTIONS

The Council agreed to suspend Procedure Rule 13.1 to enable the following urgent motion to be debated without notice:

13.1 Motion regarding the Autumn Budget 2017 and Fire Safety measures

Councillor David Edgar **moved** and Mayor John Biggs, **seconded**, the motion as **tabled**.

Following debate the motion was put to the vote and was **agreed**.

DECISION

This Council notes:

1. The Government's Autumn Budget 2017 was presented to Parliament on 22nd November 2017.
2. The Budget failed to address the crisis facing our public services, directly caused by the Government's austerity programme.
3. That the Council is committed to keeping our residents safe with a focused programme of works based on up-to-date and professionally considered Fire Risk Assessments, but the Government's Budget did not include any new funding for fire safety measures, such as sprinklers, which many residents across the UK have understandably called for.

This Council believes:

1. That the Government's continued austerity programme is having a real impact on residents here in Tower Hamlets and across the UK:
 - a. Cuts of £18.7m to schools in Tower Hamlets, the equivalent of £508 per pupil;
 - b. 295 fewer police officers and PCSOs on streets in Tower Hamlets since the Tories came to power in 2010;
 - c. Government cuts to council funding have meant that Tower Hamlets Council has to save £58m over the coming years;
 - d. By 2019, local authorities will be forced to spend 19% less per household under the Tories;
 - e. An open letter, signed by five major children's charities and organisations, warned that children's social care will have a £2bn funding gap nationally by 2020;
 - f. Child poverty has risen to 4 million under the Conservative Government and is set to rise by a further million by the end of this Parliament;
 - g. Cuts to adult social care budgets are expected to reach £6.3 billion by March 2018;
 - h. There are over 4 million people on NHS waiting lists in England, and there are 6,000 fewer mental health nurses than in 2010.
2. That the Budget should have included extra funding for fire safety measures, including cladding removal, fire doors, other protection systems and sprinklers.

This Council resolves:

1. To call on the Mayor to write to the Prime Minister:
 - a. Demanding that proper funding is provided for public services;
 - b. Demanding that the Government properly fund fire safety works across the UK, for example sprinklers, and accept that its disastrous programme of deregulation and cost cutting is putting lives at risk.

(Action by: Mayor's Office)

The meeting ended at 10.18 p.m.