

**LONDON BOROUGH OF TOWER HAMLETS**

**RECORD OF THE DECISIONS OF THE CABINET**

**HELD AT 4.14 P.M. ON WEDNESDAY, 31 OCTOBER 2018**

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

**Members Present:**

Mayor John Biggs	
Councillor Sirajul Islam	(Statutory Deputy Mayor and Cabinet Member for Housing)
Councillor Rachel Blake	(Deputy Mayor and Cabinet Member for Regeneration and Air Quality)
Councillor Asma Begum	(Deputy Mayor and Cabinet Member for Community Safety and Equalities)
Councillor David Edgar	(Cabinet Member for Environment)
Councillor Danny Hassell	(Cabinet Member for Children, Schools and Young People)
Councillor Candida Ronald	(Cabinet Member for Resources and the Voluntary Sector)
Councillor Motin Uz-Zaman	(Cabinet Member for Work and Economic Growth)

**Other Councillors Present:**

Councillor Sufia Alam	
Councillor Abdal Ullah	(Note – present up to Item 5)
Councillor Andrew Wood	(Leader of the Conservative Group)
Councillor Marc Francis	
Councillor Eve McQuillan	(Mayoral Advisor for Tackling Poverty & Inequality)

**Others Present:**

Stephen Ashley	(Independent Chair of the Local Safeguarding Children's Board)
Christabel Shawcross	(Safeguarding Adults Board Chair LBTH)
Tracy Smith	(CEO Tower Hamlets Education Partnership)

**Officers Present:**

Sarah Awobiyi	(Executive Support Officer)
Stephen Bramah	(Deputy Head of the Mayor's office)
Fiona Crehan	(High Streets and Town Centres Manager, Place)
David Freeman	(Voluntary and Community Sector (VCS) Strategy Manager)
Fiona Heyland	(Head of Waste Strategy Policy and Procurement, Public Realm, Communities Localities & Culture)

Afazul Hoque	(Head Corporate Strategy & Policy)
Asmat Hussain	(Corporate Director, Governance and Monitoring Officer)
Debbie Jones	(Corporate Director, Children's)
Roger Jones	(Head of Revenues)
Susan Mulligan	(Communications Advisor, Communications, Law Probity & Governance )
Jessica Odubayo	
Robin Payne	(Interim Divisional Director, Public Realm)
Denise Radley	(Corporate Director, Health, Adults & Community)
Ann Sutcliffe	(Acting Corporate Director, Place)
David Tolley	(Head of Environmental Health and Trading Standards)
Will Tuckley	(Chief Executive)
Matthew Vaughan	(Political Advisor to the Conservative Group, Democratic Services, LPG)
Matthew Mannion	(Committee Services Manager, Democratic Services, Governance)

## 1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Amina Ali (Cabinet Member for Culture, Arts and Brexit)
- Councillor Denise Jones (Cabinet Member for Adults, Health and Wellbeing)
- Tom McCourt (Strategic Director) who was substituted by Robin Payne, Interim Divisional Director Public Realm.

It was also noted that this was Zena Cooke's (Corporate Director, Resources) last Cabinet meeting before leaving the Council. The Mayor and Cabinet Members thanked her for the hard work she had undertaken during her time at the Council.

## 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Motin Uz-Zaman declared a Disclosable Pecuniary Interest in Agenda Item 6.9 Additional Licensing Scheme for Homes of Multiple Occupation. He left the room for the duration of that item.

## 3. UNRESTRICTED MINUTES

### DECISION

1. That the unrestricted minutes of the Cabinet meeting held on Wednesday 26 September 2018 be approved and signed by the Chair as a correct record of proceedings.

#### 4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR

Please see the minutes.

#### 5. OVERVIEW & SCRUTINY COMMITTEE

##### 5.1 Chair's Advice of Key Issues or Questions

Pre-Decision Scrutiny Questions, and officer responses, were submitted in respect of a number of agenda items. The questions were considered during discussion of each relevant item.

Questions were received in relation to:

- 6.3 (Tower Hamlets Safeguarding Adults Board Annual Report)
- 6.4 (Tower Hamlets Children's Safeguarding Board Annual Report)
- 6.6 (High Streets and Town Centre Strategy 2017-22)
- 6.8 (Waste Management Delivery Options)
- 6.9 (Additional Licensing Scheme for Homes in Multiple Occupation)
- 6.14 (Approval to consult on a new Community Infrastructure Levy Draft Charging Schedule)

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

Please see agenda items 5.3 and 5.4.

##### 5.3 Securing the future of early years services - phased closure of the three local authority childcare day nurseries

The **Mayor** received the call-in report of the Overview and Scrutiny Committee in respect of the Cabinet Decision taken on Wednesday 26 September 2018.

Following consideration of the report he **reaffirmed** his original decision.

##### 5.4 Future Management of the Integrated Community Equipment Service

The **Mayor** received the call-in report of the Overview and Scrutiny Committee in respect of the Cabinet Decision taken on Wednesday 26 September 2018.

Following consideration of the report he **reaffirmed** his original decision.

## **6. UNRESTRICTED REPORTS FOR CONSIDERATION**

### **6.1 Local Community Fund Programme**

#### **DECISION**

1. To agree the structure and outcomes framework for the proposed Local Community Fund programme as set out in the report and Appendix A to the report:
2. To note that the new programme represents a change in the approach to move towards commissioning agreed in March 2018
3. To note the proposals for continued engagement with the voluntary and community sector in the co-design of the programme;
4. To agree the proposed budget allocation as set out in paragraph 3.41 of the report and authorise the Chief Executive to agree funding recommendations made by the independent contractor and enter into the funding agreements and all other documentation.
5. To note the Equalities Impact Assessment / specific equalities considerations as set out in Paragraph 4 of the report.

#### **Action by:**

**CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Voluntary and Community Sector Strategy Manager (D. Freeman))

#### **Reasons for the decision**

The Voluntary and Community Sector (VCS) Strategy 2016-19, sets out an approach to supporting the VCS through outcomes based funding arrangements for services developed through co-production with the sector rather than traditional grants programmes.

The Council's Mainstream Grants programme (MSG) ends on 30 September 2019. This report presents a programme of services from the VCS which will help achieve the VCS Strategy commitments and provide a programme of funding for the VCS to replace MSG from 1 October 2019.

In the light of the feedback from further consultation with VCS organisations since the report 'Community Commissioning Framework' was considered at Cabinet on 20 March 2018, consideration has been given to establishing a process which will maintain the core principles for future funding of the VCS and address the concerns which have been raised by the VCS relating to the potential barriers the commissioning process might pose to small and medium VCS organisations. This is set out in detail in para 3.10 below and the process is set out below in the section, 'Process and Procedures'.

#### **Alternative options**

The Council could decide to cease specific funding directed towards supporting services and activities delivered by VCS organisations. However,

the Council agreed in 2016 a VCS Strategy which recognises the unique place of the VCS in the local community continues the commitment of the Council to supporting services and activities delivered by VCS organisations.

The Council could decide to continue to fund VCS organisations through a traditional grants programme. If the Council decided to pursue this option it would also fail to meet the commitments made in the VCS Strategy towards developing the good practice which has contributed towards the ending of the Direction of the Council by central government.

The Council could use the procurement route to commission services in the proposed new funding programme. However, this approach would risk placing barriers in the process for small and medium size organisations which recent dialogue with the VCS has highlighted may have a significant impact.

## **6.2 Voluntary and Community Sector Grants Programme**

### **DECISION**

1. To agree the VCS Grants Programme as set out in the report and the draft prospectus at Appendix A to the report.
2. To agree the proposal set out in paras 3.14 to 3.21 of the report to retain the administration of the Capacity Building theme in house and seek a third party provider to administer the remaining themes as a small grants programme.
3. To note the specific equalities considerations as set out in Paragraph 4 to the report.

### **Action by:**

#### **CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Voluntary and Community Sector Strategy Manager (D. Freeman))

### **Reasons for the decision**

The Voluntary and Community Sector (VCS) Strategy 2016-19, sets out an approach to supporting the VCS, based on the co-production of services commissioned with the VCS rather than traditional grants programmes.

The VCS Strategy acknowledges there remains a role for grants and makes a commitment to continue to provide grants in limited and very specific circumstances. This report brings forward proposals for a VCS Grants Programme which would help achieve this commitment.

### **Alternative options**

The Council could decide not to go ahead with the proposed grants programme and cease giving grants. However, this would go against the commitments made in the VCS Strategy and also by the Mayor in agreeing the Grants Policy Framework in March 2018. Without a grants programme the Council would rely solely on commissioned contracts as a means of supporting voluntary and community organisations in the borough, potentially

limiting the funding opportunities that would be attractive to many smaller and less well established organisations and community groups.

The Council could just retain the existing small grants funds but, as they are focussed on specific service areas, many smaller voluntary and community sector organisations would continue to be excluded from Council support.

### **6.3 Tower Hamlets Safeguarding Adults Board Annual Report 2017-18**

#### **DECISION**

1. To agree the Safeguarding Adults Board Annual Report 2017-18

#### **Action by:**

**CORPORATE DIRECTOR, HEALTH, ADULTS AND COMMUNITY (D. RADLEY)**

(Head of Strategy and Policy – Health, Adults and Community (J. Starkie)

#### **Reasons for the decision**

It is a statutory requirement to publish a Safeguarding Adults Board annual report. 2014 Care Act statutory guidance states that one of the three core duties of a Safeguarding Adults Board is:

*“It must publish an annual report detailing what the SAB has done during the year to achieve its main objective and implement its strategic plan, and what each member has done to implement the strategy as well as detailing the findings of any safeguarding adults reviews and subsequent action<sup>1</sup>”.*

The content of the Annual Report has been developed and agreed by the Tower Hamlets Safeguarding Adults Board.

#### **Alternative options**

The content and format of the Safeguarding Annual Report can be revised in line with feedback.

### **6.4 Tower Hamlets Safeguarding Children Board Annual Report 2017-18**

#### **DECISION**

1. To note the content of the LSCB Annual Report 2017-18
2. To note the specific equalities considerations as set out in Paragraph 4.1 of the report.

#### **Action by:**

**CORPORATE DIRECTOR, CHILDREN'S SERVICES (D. JONES)**

(Safeguarding Children Strategy and Governance Manager (M. Bakht)

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<sup>1</sup> Section 14.136 <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#safeguarding-1>

**Reasons for the decision**

The Local Safeguarding Children Board (LSCB) is required to publish an annual report on the effectiveness of child safeguarding arrangements and promoting the welfare of children in its locality, to ensure the annual report is available within the professional and public domain. The LSCB annual report, which fulfils this responsibility, is appended to this paper.

The content of the Annual Report has been developed and agreed by the Tower Hamlets Local Safeguarding Children's Board.

**Alternative options**

There are no alternative options. It is a statutory requirement for the LSCB to report to the leader of the council (Mayor) along with the Chief Executive, the Borough Commander, the Crime and Policing Commissioner and Chair of the Health and Wellbeing Board on an annual basis. Although the content and format of the Annual Report can be revised in line with feedback

**6.5 The Tower Hamlets Education Partnership annual report****DECISION**

1. To note the activity of the THEP over the academic year 2017-18
2. To accept the audited accounts for THEP
3. To endorse the role of THEP in delivering council priorities from 2019 when the Council's seed funding ceases.

**Action by:**

**CORPORATE DIRECTOR, CHILDREN'S SERVICES (D. JONES)**

(Divisional Director, Education and Partnerships (C. McInnes))

**Reasons for the decision**

Cabinet has agreed that it would receive annual reports on the activities of the Tower Hamlets Education Partnership. This is the first such report and it provides an over view of activities and the audited accounts. The second annual report will include the school results with a commentary.

**Alternative options**

None.

**6.6 High Street and Town Centres Strategy (2017-2022)****DECISION**

1. To approve the final the High Streets & Town Centres Strategy (2017-2022) and the priorities set out in the document.
2. To note the rankings given to performance indicators across key high streets as set out in Appendix 1 of the strategy.
3. To note the specific equalities considerations as set out in paragraph 4.1 of the report.

**Action by:****ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

(High Streets and Town Centres Manager (F. Crehan))

**Reasons for the decision**

Approving the strategy will enable the implementation of priorities to improve the performance of key local high streets and address weaknesses.

**Alternative options**

The development of a High Streets & Town Centre Strategy is a key objective in the Forward Plan for 2018/19.

No alternative option has therefore been considered.

**6.7 Supporting the Local Economy – Proposed Criteria for Granting Business Rates Relief****DECISION**

1. To note the outcome of the consultation on the criteria and guidance used to assess eligibility to discretionary business rates relief.
2. To approve the criteria and guidance used to assess eligibility to discretionary business rates relief.

**Action by:****CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Head of Revenue Services (R. Jones))

**Reasons for the decision**

To consider the feedback from and outcome of the public consultation on the criteria and guidance used to assess eligibility for discretionary business rates relief and to approve the criteria and guidance.

**Alternative options**

The Mayor in Cabinet could revise the criteria and guidance used to assess eligibility for discretionary business rates relief, but this is not recommended

as it is based on feedback that informed the development of the criteria and guidance and takes account of the outcome of the public consultation.

## 6.8 Waste Management Delivery Options

The Mayor noted the Pre-Decision Scrutiny Questions and Officer response. He also noted and agreed the reasons for urgency set out in the report.

### DECISION

1. To authorise the Acting Corporate Director of Place to cease the dialogue for the external procurement of an integrated waste, recycling and cleansing contract currently in progress, due to be implemented for April 2020 and allow for the current contract to expire.
2. To authorise the Acting Corporate Director of Place to create an In-house service for the integrated delivery of waste, recycling and cleansing functions within Tower Hamlets, to commence from 1<sup>st</sup> April 2020.
3. To agree to delegate to the Acting Corporate Director of Place, authority to negotiate and agree an exit strategy with Veolia that would enable all or some of the services to be brought back In-house earlier than 31st March 2020, as and when required.
4. To approve the timescales for delivery and the resource allocations required to commence the delivery of a new In-house Waste Service and delegate to the Acting Corporate Director of Place, the authority to develop working strategy with the external organisations where required, to support the process.
5. To approve one off funding up to £2.5M from reserves for pre-implementation funding which will incorporate financing the creation of a mobilisation team which will oversee the development and implementation of the new In-house service.
6. To approve a capital investment of £10M for the purchase of a new fleet and a further £0.325M for the implementation of new IT systems.

#### Action by:

**ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

(Interim Divisional Director, Public Realm (R. Payne))

#### Reasons for the decision

The Council needs to commence a process to re-commission its services for waste collection and street cleansing immediately to provide service continuity and discharge its statutory duties from 1st April 2020.

Proposals for extending the current contracts for waste, recycling and cleansing to terminate at the end of March 2020 were agreed by the Mayor in Cabinet in October 2016. This has enabled officers to develop a range of delivery options and provide detailed information on the most appropriate future service delivery model.

Following the Mayor in Cabinet agreement in June 2018 to adopt a twin track approach for commissioning these services, we are now in position to either start a competitive dialogue procurement process from the end of October 2018, or to move forward with plans to take these services back In-house.

Given the challenges of improving waste, recycling and cleansing services across the Borough there is a need to develop options that maximise innovation, quality and value for money. Officers have now completed work on assessing the benefits of an In-house delivery option for consideration and approval.

Tower Hamlets faces a significant challenge over the next few years to both improve its recycling performance and to improve the quality of the local environment. This includes ensuring our streets are clean and tidy and maintained to a high standard at all times of the day and night. The authority also aims to make significant increases to recycling rates and offer new recycling services. These are key Mayoral and Council priorities that are referenced in the Tower Hamlets Plan, the Council's Strategic Plan as well as the Mayor's Manifesto, all of which require behavioural and operational changes for residents.

When deciding its chosen option the Council must consider which option would deliver best value, flexibility, innovation and quality required. The Council must also decide which method could best deliver waste services to meet Council objectives, to accommodate increasing demographic changes, deliver new services such as food waste on estates and to successfully innovate to hit increased recycling targets and new methods of working.

The future service will require a coordinated approach to street cleansing and waste collection tailored to meet the needs of each area of the borough. This would deliver a service to maintain an acceptable standard of cleanliness, where frequency of cleansing is set to take account of how rapidly streets deteriorate. The service needs to be closely linked to environmental enforcement activity (to reduce the amount of unregulated waste being thrown on the streets at all hours of the day and night).

It is critically important that suitable arrangements are in place to deal with the night time economy, business and market trading areas, linking with the emerging high streets and town centres strategy. These areas should be cleaned regularly throughout the day, but also during the evening and where necessary overnight, seven days a week. Markets should be cleared before trading starts, so that they are clean, fresh and tidy places to visit. High streets and town centres should be cleaned and maintained twenty-four hours a day.

There is a now an opportunity to dramatically change the look of the borough and bring in new ways of working. These changes need not necessarily cost more money and could better support wider council ambitions by working across services to deliver a clean and green borough. The intention would be to reorganise services, setting challenging but achievable productivity for staff. A high level of service performance would be made a priority and staff would receive training to meet the required standard. A further full review, prior to the services returning in house, would take place to determine the frequencies of cleansing and waste removal for the different areas of the borough and used as an agreed benchmark for future development and improvement.

Research from the Association of Public Service Excellence (APSE) within its paper; '*Insourcing: A guide to bringing Local Authority services back in house*', highlights that insourcing is happening for very practical reasons linked to improved quality, flexibility and accountability for service delivery. This demonstrates that councils are finding insourcing a realistic service delivery option to:

- Deliver service continuity
- Address poor performance
- Drive continuous improvement
- Provide flexibility around service delivery and change
- Improved integration
- And more accountable local services.

APSE states that '*Insourcing has enabled local authorities to be flexible in the service activities they offer and to respond to changing agendas and needs. This has been particularly evident as waste services have responded to environmental concerns by moving from simply collecting waste towards promoting recycling and providing facilities for householders to do so. Particular benefit has been derived from bringing decision-making and service delivery closer together, enabling a stronger link to local policy*'.

### **Alternative options**

The Authority has a statutory duty, under the Environmental Protection Act 1990, '*to make the provision for the safe management of waste to protect human health and the environment*'. The duties apply to waste classified as waste from households and waste that is classified as commercial or industrial waste.

Section 89(1) of the Environmental Protection Act 1990 also places a duty on local authorities to ensure land for which they are responsible, is so far as is practicable, kept clear of litter and refuse. These duties are detailed in the Code of Practice on Litter and Refuse 2006, which sets out detail on acceptable cleanliness standards. It seeks to encourage duty bodies to maintain their land within acceptable cleanliness standards. The emphasis is on the consistent and appropriate management of an area to keep it clean, not on how often it is cleaned.

Whilst it is the authority's statutory duty to ensure the management of this waste, the authority has the right to decide on the delivery method it chooses. The 3 main options are to re-procure in scope services, bring services In-house or to manage the service through a Local Authority Trading Company.

## **6.9 Additional Licensing Scheme for Houses of Multiple Occupation**

### **DECISION**

1. To note the results of the consultation undertaken in relation to the proposed Additional Licensing Scheme as summarised in the report.
2. To agree to designate all wards in the Borough as subject to Additional Licensing under section 56(1) of the Housing Act 2004 in relation to smaller multiple-occupied premises occupied by three or more persons in two or more households where some or all the facilities are shared. Such designation to take effect from 1<sup>st</sup> April 2019 and to last for five years, however, excluding areas that are currently subject to a Selective Licensing Scheme.
3. To agree the fee structure for the Additional Licensing Scheme as set out in Appendix Two to the report whereas the application fee will be apportioned for administrative and enforcement costs. For all Housing Licensing fees an additional cost for administration is being introduced when the applicant takes this option.
4. To agree the Additional Licensing Scheme licence conditions, fit and proper person protocol and amenity standards as detailed in Appendix Five. The amenity standards will also apply to the existing Mandatory licensed Houses in Multi-occupied and Selective Licensing Scheme from the 1<sup>st</sup> January 2019 and to the Additional Licensing Scheme from 1<sup>st</sup> April 2019.
5. To delegate to the Corporate Director of Place, authority to issue the required statutory notifications in relation to the commencement of the Additional Licensing Scheme designation.
6. To agree that no further exemptions to the scheme should be considered in addition to the statutory exemptions.

### **Action by:**

**ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

(Head of Environmental Health and Trading Standards (D. Tolley)

### **Reasons for the decision**

There are two types of adoptive licensing schemes for the Private Rented Sector (PRS) which the Council can adopt. These comprise an additional licensing scheme limited to properties in multiple occupation only or a selective licensing scheme for any property in the private rented sector. The Housing Act 2004 gives the Council the power to introduce Housing Licensing Schemes for privately rented properties within the whole Borough or in

designated areas, in order to improve standards of management in the Private Rented Sector (PRS).

A licensing scheme will enable the Council to impose a legal requirement, in the designated area, on all landlords to register, apply for a licence for each property they rent out, and comply with specific licence conditions thus giving the Council more power to tackle irresponsible letting of properties.

Further reasons for the decision are set out in the Cabinet report.

### **Alternative options**

Cabinet may choose not to introduce an Additional Licensing Scheme and rely upon the current mandatory Houses in Multiple Occupation licence scheme and the Selective Licensing Scheme in the wards in the western part of the Borough. This option would involve the council doing nothing to intervene in those parts of the private rented sector, where the above schemes do not apply, leaving the housing market as the driver for landlords carrying out improvements to their properties.

Use existing reactive powers, the council would only intervene on a complaint basis. This is reactive and has no strategic intervention objectives, there could be under reporting due to the fear of retaliatory eviction.

Use of interim management orders and final management orders for non-licensable HMO's – the council takes over control of the property and manages it. This is extremely resource intensive and would only deal with individual properties.

Voluntary accreditation, this would tend to attract the responsible landlords and be ignored by the irresponsible, it is not a strong incentive for poor agents/landlords to join.

## **6.10 Budget and Medium Term Financial Strategy 2019-22 Update**

### **DECISION**

1. To note the changes to the draft budget position for 2019-20.
2. To note the need to make further savings of £44m over the MTFS period.
3. To note the issues and actions set out in this report which are informing the development of the Council's MTFS for 2019 – 2022;
4. To note the commencement of formal budget consultation with residents, businesses and other key stakeholders and to receive feedback on the consultation at Cabinet in December.

In relation to the Housing Revenue Account:

5. To note that, under section 23 of the Welfare Reform and Work Act 2016 the Authority must implement a rent reduction of 1% for four years starting in 2016/17, and consequently to agree an average weekly rent reduction of 1% to take effect from the first rent week of April 2019. This equates to an average rent reduction of £1.08 per week for 2019/20.

**Action by:****CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Divisional Director, Finance, Procurement and Audit (N. Murton))

**Reasons for the decision**

The Council is under a duty to set a balanced and sustainable budget and maintain adequate reserves such that it can deliver its statutory responsibilities and priorities.

A Medium Term Financial Strategy (MTFS) covering the entirety of the resources available to the Council is considered to be the best way that resource prioritisation and allocation decisions can be considered and agreed in a way that provides a stable and considered approach to service delivery and takes into account relevant risks and uncertainty.

Statutory budget consultation is required with business ratepayers however, a broader consultation with all residents and other relevant stakeholders is considered to represent best practice.

**Alternative options**

Whilst the Council will adopt a number of approaches to the identification of measures aimed at delivering its MTFS there is no alternative other than to set a legal and balanced budget and agree its Council tax before the statutory deadline.

In relation to the HRA, section 23 of the Welfare Reform and Work Act 2016 required that, from April 2016, social rents must be cut by 1% for four years. As this requirement is enshrined in legislation, if the Authority did not comply it would risk legal challenge.

A number of decisions in relation to the use of the Dedicated Schools Grant are the responsibility of the Schools Forum and the Council therefore has no option to vary that decision; however in some cases, such as in respect to changes to the School's funding formula, the Council makes the final decision having received recommendations from the Schools Forum.

**6.11 Revenue and Capital Budget Monitoring Quarter 2 2018-19****DECISION**

1. To note the Council's projected outturn position against General Fund, Dedicated Schools Budget and Housing Revenue Account budgets agreed for 2018-19, based on information as at the end of September as detailed in the Appendices to the report.
2. To note the summary savings position.

**In respect of the new capital scheme proposals (Annex 1-3 to the report)**

3. To approve the following changes to the current capital programme
  - Approve the additional resource requirement of £22.691m for the 6 existing capital schemes detailed in Annex 1
  - Approve the 14 new capital projects, totaling £4.363m that need to be delivered in 2018/19, as detailed in Annex 2. This includes the design phase of the South Dock Bridge Project.
  - Approve the allocation of £50k from the feasibility pot in the approved programme to carry out new cycle route design and options
4. To authorise the Corporate Director (Place), after consultation with the Corporate Director (Governance), to acquire leasehold interests on identified council-owned development sites to enable the delivery of Phase 2 of the pipeline programme.

**Action by:****CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Chief Accountant (K. Miles))

**Reasons for the decision**

The Council could choose to monitor its budgetary performance against an alternative timeframe but it is considered that the reporting schedule provides the appropriate balance to allow strategic oversight of the budget by members and to manage the Council's exposure to financial risk. More frequent monitoring is undertaken by officers and considered by individual service Directors and the Council's Corporate Leadership Team (CLT) including approval of management action.

To the extent that there are options for managing the issues identified these are highlighted in the report in order to ensure that members have a full picture of the issues and proposed solutions as part of their decision making.

**Alternative options**

The regular reporting of Revenue and Capital Budget Monitoring information through the year and the preparation of the provisional outturn position after the year end provides detailed financial information to members, senior officers and other interested parties on the financial performance of the

Council. It sets out the key variances being reported by budget holders and the management action being implemented to address the identified issues.

Further information across the Council's key financial activities is also included to ensure that CLT and Members have a full picture to inform their consideration of any financial decisions set out in this report and also their broader understanding of the Council's financial context when considering reports at the various Council Committees.

Set alongside relevant performance information it also informs decision making to ensure that Members' priorities are delivered within the agreed budget provision.

It is important that issues are addressed to remain within the approved budget provision or where they cannot be contained by individual service management action, alternative proposals are developed and solutions proposed which address the financial impact; CLT and Members have a key role in approving such actions as they represent changes to the budget originally set and approved by them.

## **6.12 Local Council Tax Reduction Scheme 2019/2020**

### **DECISION**

1. Note the feedback from responses received to the full public consultation.
2. Agree the following changes to the current LCTRS scheme:
  - a. To apply a maximum weekly deduction of £4 for disabled non dependants from April 2019.
  - b. To retain the principle of applying the minimum income floor for self-employed residents including the use of minimum wage levels for self-employed residents aged under 25.
  - c. To provide an enhanced support package for self-employed residents and the application of S13A discounts to avoid hardship.
  - d. To increase the current four week backdating provision to 52 weeks from April 2019.
  - e. Change child allowances in the assessment of Local Council Tax Reduction to reflect those used in the assessment of Child Tax Credit, Universal Credit and Housing Benefit.
3. Note that a report will be presented to Full Council for approval of the LCTRS scheme in January 2020.

### **Action by:**

**CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Benefit Services (L Fearon and S. Hill))

**Reasons for the decision**

Each year the Council needs to consider whether to make changes to its local Council Tax Reduction scheme (LCTRS).

The national scheme, Council Tax Benefit, was abolished with effect from 1<sup>st</sup> April 2013. A national scheme for pensioners identical to Council Tax Benefit has remained in place since 2013 and Local Authorities assumed responsibility for the design and administration of a local replacement scheme for working age residents.

Under Council Tax Benefit all awards were fully funded by central Government via an annual subsidy grant predicated on the total amount of benefit awarded. However, subsidy for LCTRS awards has been frozen at the amount awarded for 2012/13 less 10% since April 2013, representing a national reduction of funding to Local Authorities of £500m.

The Council continued to operate a LCTRS for working age residents which was broadly based on Council Tax Benefit from April 2013 to March 2017. Although this protected residents, the reduction in Government Subsidy meant there was a cost to the Council estimated at between £2m and £4m per annum.

Due to increasing financial pressures and the need to respond to the introduction of Universal Credit, the Council decided to change its LCTRS with effect from 1<sup>st</sup> April 2017.

In changing the scheme in 2017, the Council ensured that residents on the lowest incomes continue to receive 100% rebate of their Council Tax liability. Tower Hamlets remains one of only a handful of London councils who have retained this provision within their LCTRS since April 2013 and in doing so the Council has and continues to offer one of the most generous schemes in London.

**Alternative options**

The Council can consider making any changes to its LCTRS annually. Changes cannot be made in year.

Changes can only be made in relation to working age households as pensioners are protected. Any changes must be subject to a meaningful full public consultation as required by the Local Government Finance Act 1992 which stipulates that changes can only be enacted from the start of the subsequent financial year.

The council can decide not to make any changes to the current scheme.

### **6.13 Neighbourhood Planning: Determination of Poplar Regen Alliance Forum Application**

#### **DECISION**

1. To note the outcome of the consultation as set out in Appendix 4 to the report.
2. To approve the application for the designation of Poplar Regen Alliance as the Neighbourhood Forum for the Poplar Neighbourhood Area.
3. To note the specific equalities considerations as set out in Paragraphs 4.1 to 4.3 of the report.

#### **Action by:**

**ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

(Planning Officer (S. Heywood))

#### **Reasons for the decision**

Following the designation of the Poplar Neighbourhood Area on 30 January 2018, the Council has received an application to designate a Neighbourhood Forum for the Poplar Neighbourhood Area.

The Council is required to determine applications for the designation of Neighbourhood Forums in accordance with the Town and County Planning Act 1990 (as amended) ("TCPA 1990") and the Neighbourhood Planning (General) Regulations 2012 ("the 2012 Regulations")

The Government's Planning Practice Guidance ("PPG") on Neighbourhood Planning (Ref ID: 41) also provides guidance on the determination of such applications, which states that the role of the Local Planning Authority (LPA) is to take decisions at key stages in the neighbourhood planning process.

The Poplar Regen Alliance application has been assessed by Officers against relevant provisions of the TCPA 1990, the 2012 Regulations and the PPG. Officers are satisfied that the Poplar Regen Alliance application meets with the requirements for designation. The application is therefore recommended for approval and a decision should be taken in accordance with the LPA's statutory duties.

#### **Alternative options**

An LPA may designate or refuse a Neighbourhood Forum application. Where the LPA is satisfied that a prospective Forum meets the requirements of section 61F of the TCPA 1990, the Forum must be approved. Where the LPA is not satisfied that a prospective Forum meets the said requirements, the LPA may refuse the application and give reasons for the refusal to the prospective Neighbourhood Forum.

Officers consider that the Poplar Regen Alliance application meets the relevant legislative provisions and therefore recommends the designation of

the Neighbourhood Forum in accordance with relevant legislation. As the application accords with the statutory criteria, there is no alternative option.

#### **6.14 Approval to consult on a new Community Infrastructure Levy Draft Charging Schedule**

##### **DECISION**

1. To approve the *Tower Hamlets CIL Draft Charging Schedule* (Appendix A of the report) and supporting evidence (set out in the report and appendices) for a 6 week public consultation.
2. To authorise the Corporate Director of Place to:
  - Approve minor modifications to the Draft Charging Schedule (“DCS”) following the public consultation;
  - Where no material modifications are required following the consultation on the DCS, to approve the submission of the Council’s proposed Charging Schedule and associated evidence base for public examination.
3. To note that if material modifications to the DCS are required following consultation, that approval to undertake a subsequent consultation or submit for public examination as necessary will be referred to the Mayor in Cabinet.
4. To note BNP Paribas Real Estate’s *CIL Viability Study* (Appendix B to the report) that forms part of the supporting evidence for the DCS. The document appended is less its appendices (as they run to hundreds of pages) – the full document including the appendices is available separately as a background document. The full document will be published for consultation.
5. To note the *Supporting Evidence and Funding Gap Report* attached at Appendix C of the report. This document explains the infrastructure planning criteria the Council must account for in adopting a new CIL Charging Schedule.
6. Note the *Additional Evidence and Information Document* attached at Appendix D to this report. This document sets out the Council’s position with respect to a number of matters and evidence in order to provide context to the approach it has taken to forming the rates described in its Draft Charging Schedule.
7. To note the *Summary of Consultation Responses Report* attached at Appendix E. This document sets out and summarises the responses the Council received in respect of its consultation on its Preliminary draft Charging Schedule.

8. To note other associated documents that will be published alongside the DCS, including:
  - A Payment in Kind and Infrastructure Payments Policy (Appendix F to the report);
  - Charging Schedule Explanatory Notes (Appendix G to the report).
9. To note that an Equality Assurance Checklist was completed and referred to the Mayor in Cabinet in respect of the approval to consult on a previous iteration of the Draft Charging Schedule that is the subject of this cabinet Report. This Equality Assurance Checklist is attached at Appendix H to the report.

**Action by:****ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

(Infrastructure Planning Manager (M. Pullen))

**Reasons for the decision**

The reason for the decision is to ensure that the Council's CIL rates are set at an appropriate level, to allow the Council to maximise the funding to deliver much needed supporting infrastructure.

Consultations on the proposed Charging Schedule are required by regulations prior to the examination and adoption of a new Charging Schedule.

**Alternative options**

One alternative option would be to not seek to renew the Council's CIL Charging Schedule. This is not considered appropriate because this would result in the Council not maximising its CIL income.

**6.15 Fire Safety Scrutiny Review Report and Action Plan****DECISION**

1. To note the report and recommendations of the Scrutiny Review Challenge Session on Fire Safety as set out in Appendix 1 to the report.
2. To approve the action plan in Appendix 2 to the report which sets out the Council's response to the recommendations of the Scrutiny Review.
3. To note the specific equalities considerations as set out in Paragraph 4 of the report.

**Action by:****ACTING CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

(Interim Divisional Director, Housing and Regeneration (M. Baigent))

**Reasons for the decision**

The Council's constitution requires the Executive to respond to recommendations from the scrutiny sub-committees. The action plan within this report outlines the Executive response to the fourteen recommendations from the Scrutiny Review on Fire Safety.

**Alternative options**

To take no action. This is not recommended as the report outlines work undertaken by Councillors and officers to identify areas of improvement. Further, the actions are strategic, measurable and attainable and a timetable for delivering the recommendations has been agreed by the Directorate and is attached in appendix 2 to the report.

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

Nil items.

**8. EXCLUSION OF THE PRESS AND PUBLIC**

Nil items.

**9. EXEMPT / CONFIDENTIAL MINUTES**

Nil items.

**10. OVERVIEW & SCRUTINY COMMITTEE****10.1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business**

Nil items.

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

Nil items.

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

Nil items.

The meeting ended at 6.51 p.m.

Mayor John Biggs