

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 24th MARCH 2010

**EXECUTIVE DECISIONS TAKEN UNDER SPECIAL
URGENCY PROVISIONS**

**REPORT OF THE LEADER OF THE COUNCIL FOR
INFORMATION**

1. SUMMARY

- 1.1 The Authority's Constitution (Part 4.2, Access to Information Procedure Rules) provides that the Leader shall submit a quarterly report as necessary to the Council on any Executive (Cabinet) decisions taken during the preceding three months under the Special Urgency provisions at Access to Information Rule 19.1.
- 1.2 Rule 19.1 applies to key decisions where prior notice of the decision has not been included in the Forward Plan but it is nevertheless necessary for reasons of urgency to take the decision at the Cabinet meeting, and where it has additionally not been possible to provide notice of the decision in accordance with the General Exception provisions in Access to Information Rule 18.
- 1.3 During the period 2nd December 2009 to 10th March 2010, three decisions were taken by the Executive (Cabinet) under the Special Urgency provisions at Access to Information Rule 19.1. A brief summary of the matters in respect of which the decisions were made is included overleaf for information.

2. RECOMMENDATION

- 2.1 That the report be noted.

EXECUTIVE DECISIONS TAKEN UNDER SPECIAL URGENCY
PROVISIONS – 2nd December 2009 to 10th March 2010

1. Housing Revenue Account First Budget and Rent Setting report (CAB 103/090) – Cabinet meeting 13th January 2010, agenda item 10.5

The Cabinet approved the initial assessment of the Government's Draft Housing Revenue Account (Item 8) and Draft Housing Revenue Account Subsidy Determinations 2010/11, and their likely HRA implications. This report was unavailable for public inspection within the stated timescales set out in the Authority's constitution because of the late publication of the Government's Draft HRA Subsidy Determination for 2010/11. That Determination sets out the Government's guideline rent increase and was not made available until 9 December 2009 (some two months later than usual). The Determination is a complex document that requires investigation and assessment by the Council, as a consequence of which it has not been possible to finalise this report until 8 January 2010. The report proposed rent increases that needed to take effect from 1 April 2010, having regard to the need, referred to in the report, to keep the housing revenue account in balance. Taking into account the call-in period and the requirement for the Council to give four weeks' notice to tenants of a rent increase, the latest meeting at which Cabinet could prudently determine the rent increase in order to achieve implementation from 1 April 2010 was at the meeting on 13 January 2010.

2. Housing Revenue Account 2009/10 - Update (CAB 104/090) – Cabinet meeting 13th January 2010, agenda item 12.1

The Cabinet noted the projected outturn in respect of the 2009/10 Housing Revenue Account as detailed in Appendix A to the report (CAB 104/090), and its implications for 2010/11, as outlined in paragraph 4 of the report. The report was unavailable for public inspection within the stated timescales set out in the Authority's constitution because it was an urgent report requested by Cabinet at its meeting on 2 December 2009. Cabinet requested the preparation of an urgent report to the meeting of 13 January 2010 in light of a significant projected deficit on the housing revenue account. The preparation of the report had required joint working with the Council's ALMO, Tower Hamlets Homes, using where possible information available as at the end of December 2009. The time necessary to prepare an accurate update with recent information prevented earlier publication.

3. Ocean Estate Regeneration Compulsory Purchase Order – Proposal to include additional land interests (CAB 119/090) – Cabinet meeting 10th February 2010, agenda item 11.1

The Cabinet authorised the Corporate Director of Development and Renewal in consultation with the Assistant Chief Executive (Legal) to include the additional interests set out in Appendix 1 of the report (CAB 119/090) in

Compulsory Purchase Orders authorised by Cabinet on 7 October 2009 and 2 December 2009 and rights as are disclosed during the land referencing exercise which the Corporate Director of Development and Renewal in consultation with the Assistant Chief Executive (Legal) deem it necessary to facilitate the delivery of housing regeneration of the Ocean Estate. The need for acquiring the additional interests in land which were the subject of the report only came to light during the land referencing process for the compulsory purchase orders (CPOs) approved by Cabinet on 7 October 2009 and 2 December 2009 and following the submission of the planning application by East Thames Consortium on 18 December 2009. New information regarding the land requirements became available as recently as 28 January 2010. The making of the CPO in respect of the additional interests in land was key to meeting the milestones agreed with the Homes and Communities Agency in order to facilitate the Ocean Estate Regeneration. If Cabinet did not determine this matter at its meeting on 10 February 2010, then the delivery of the project could have been adversely affected.