

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE CABINET**

**HELD AT 5.30 P.M. ON WEDNESDAY, 8 SEPTEMBER 2010**

**MAIN HALL, STEPNEY GREEN MATHS AND COMPUTING COLLEGE, BEN  
JONSON ROAD, LONDON E1 4SD**

**Members Present:**

Councillor Shahed Ali	(Lead Member, Environment)
Councillor David Edgar	(Lead Member, Resources)
Councillor Marc Francis	(Lead Member, Housing, Heritage and Planning)
Councillor Joshua Peck (Vice-Chair)	(Deputy Leader of the Council)
Councillor Rachael Saunders	(Lead Member, Health and Wellbeing)
Councillor Abdal Ullah	(Lead Member, Community Safety)

**Other Councillors Present:**

Councillor Stephanie Eaton	(Leader, Liberal Democrat Group)
Councillor Peter Golds	(Leader, Conservative Group)
Councillor Ann Jackson	(Chair, Overview & Scrutiny Committee)

**Others Present:**

**Officers Present:**

Andy Algar	– (Service Head Asset Management, Development & Renewal)
Hafsha Ali	– (Acting Joint Service Head Scrutiny & Equalities, Chief Executive's)
Anne Canning	– (Service Head Learning & Achievement, Children Schools & Families)
Kevan Collins	– (Chief Executive)
Aman Dalvi	– (Corporate Director, Development & Renewal)
Tony Draper	– (Project Support Consultant, Development & Renewal)
David Galpin	– (Head of Legal Services (Community), Legal Services, Chief Executive's)
Stephen Halsey	– (Corporate Director, Communities, Localities & Culture)
John Harkin	– (Assistant Lettings Manager, Development & Renewal)
Chris Holme	– (Service Head, Resources, Development & Renewal)

Paul Leeson	– (Finance Manager, Development & Renewal)
Katharine Marks	– (Acting Service Head, Disabilities and Health, Adults Health & Wellbeing)
Chris Naylor	– (Corporate Director, Resources)
Jackie Odunoye	– (Service Head Strategy Regeneration and Sustainability, Development & Renewal)
David Sommerfield	– (Scrutiny and Equalities Support Officer, Scrutiny & Equalities, Chief Executive's)
Takki Sulaiman	– (Service Head Communications, Chief Executive's)
Owen Whalley	– (Service Head Planning and Building Control, Development & Renewal)
Angus Taylor	– (ExecutiveTeam Leader, Democratic Services, Chief Executive's)

### **COUNCILLOR J. PECK (VICE-CHAIR) IN THE CHAIR**

#### **WELCOME**

The Chair opened the meeting by welcoming those present in the public gallery to the third meeting of the Cabinet to be held outside the Town Hall, being held in the Community with a view to promoting resident attendance and engagement. The first meeting in Bow, the second in Whitechapel, and now Stepney Green.

The Chair also formally thanked the Head Teacher, staff and students of Stepney Green Maths and Computing College, for their welcome and hosting of the Cabinet meeting. He also congratulated the students and staff on their recent excellent academic results, which were reflected boroughwide.

#### **ADJOURNMENT**

At this juncture the Chair informed those present that before Cabinet consideration of the substantive business set out in the agenda, he felt it appropriate to allow an opportunity for the public to put questions to the Deputy Leader of the Council [himself], and other Lead Members comprising the Cabinet present; also to allow an opportunity for members of the Cabinet to comment on the learning from their walkabout, which had taken place immediately beforehand. Accordingly the Chair Moved the following motion for the consideration of members of the Cabinet, and it was: -

#### **Resolved**

That the Cabinet adjourn for a period of 30 minutes, at 5.35pm, and that the meeting reconvene at 6.05pm.

**The meeting adjourned at 5.35pm**  
**The meeting reconvened at 6.05pm**

### **Walkabout Learning**

Cabinet members commented on the learning from their walkabout which had taken place immediately before the Cabinet meeting. This had comprised of groups of Cabinet Members/ Chief Officers walking to Stepney Green Maths and Computing College, from the Harford Street Centre, for approximately 45 minutes. Comments received focused on the following issues:

- Helpful in conceptualising the outcome of regeneration initiatives in the areas and in particular the value of the Community facilities at the Harford Street Centre.
- Identified issues with Tower Hamlets Primary Care Trust funding for health facilities in Harford Street, and the need to examine what could be done within the Council's Budget setting process to mitigate this.
- Informative in gauging the progress of decants on the Ocean Estate, a precursor to regeneration scheme. Also under-pinning awareness that a huge amount remained to be done in regenerating the Ocean Estate, which could only be achieved with funding from the Homes and Communities Agency.
- Highlighted the importance of retaining links to cultural heritage in taking the regeneration initiatives forward. Noted the campaign to retain the name "Bengal House".
- Highlighted the benefit of access to "showhouse" facilities on the Ocean Estate for new kitchens and bathrooms, which was convenient and gave a more realistic demonstration.

### **Question & Answer Session**

Members of the public asked a number of questions to which the members of the Cabinet responded including:

- The definition of the term "affordable housing" used in the LDF Core Strategy. Also whether intermediate housing was affordable and should be included.
- Publicity for the Cabinet walkabout, considered poor/ resulting in a low level of resident engagement, and reflective of a historic problem of poor community consultation.
- Explanation for the absence of East Thames Housing Association (a lead partner in the Ocean Estate regeneration initiative) and the Lead Member Culture and Creative Industries, felt to be a missed opportunity for local residents to hold to account those responsible for delivery of homes and youth provision.
- Bengal House: In context of the history of its development/ refurbishment and resulting attributes, could it or elements of it be retained.
- Explanation for recent allocation of significant Section 106 funding for the Rich Mix Centre rather than Bancroft Road Library. Consideration

that this was a waste of resources and did not accord with wishes of the community.

- Implications for Tower Hamlets of Connaught [contractor for Council] entering administration due to financial difficulties.
- Whitechapel Station – urgent need for improved accessibility/ DDA compliance in context of opening of new London Hospital.
- Clarification/ assurance in relation to a perception that a large number of licences for sale of alcohol were being issued by the Council, in the context of high level of alcohol related problems in Tower Hamlets.
- Clarification/ assurance on action taken by the Council to provide sufficient family sized social housing to meet community needs.

### **Walkabout Learning Session (August) Matter Arising**

Mr Whalley, Service Head Planning and Building Control, D&R, in response to a request from the Chair for an update regarding the derelict properties at bottom of Vallance Road raised in the “walkabout learning” session at August Cabinet, informed Cabinet of the outcome of his enquiries as follows:

- The buildings at 3-11 Vallance Road, situated in the Whitechapel Market Conservation Area, were council owned properties, had been empty and derelict for approximately 20 years and were currently subject to a dangerous buildings notice.
- The buildings/ site had been safeguarded [Highways Safeguarding designation] during this period for a road widening scheme to improve pedestrian safety. The scheme had not been progressed due to funding constraints and there had also been uncertainty over whether site would be required for Crossrail Works, a requirement that did not materialise.
- Since the matter had been raised at August Cabinet, he had investigated the background, and Officers from Development and Renewal Directorate and Communities, Localities and Culture Directorate would be reviewing the positives and negatives of options for the site in more detail, to identify a preferred option for the site. These included pursuing the highways scheme, refurbishment of the existing properties, and demolition/ redevelopment. The outcome would be reported to Members in due course.

The Chair thanked Mr Whalley for the work undertaken in response to the matter raised in the Cabinet “walkabout learning” session prior to August Cabinet. He commented that it was important that the condition of the buildings was addressed speedily, and requested that the Cabinet was kept informed of progress going forward.

## **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of:

- Councillor H. Abbas, Leader of the Council.

- Councillor S. Islam, Lead Member Regeneration and Employment.
- Councillor D. Jones, Lead Member Culture and Creative Industries.
- Councillor S. Khatun, Lead Member Children's Services.
- Ms I Cattermole, Acting Corporate Director Children, Schools and Families for whom Ms A. Canning, Service Head Learning and Achievement, Children, Schools and Families, was deputising.
- Ms I. Freeman, Assistant Chief Executive (Legal Services) for whom Mr D. Galpin, Head of Legal Services (Community), Chief Executive's, was deputising.
- Ms H. Taylor, Corporate Director Adults Health and Wellbeing for whom Ms K. Marks, Acting Service Head Disabilities and Health, Adults Health and Wellbeing, was deputising.

**Noted.**

## **2. DECLARATIONS OF INTEREST**

No declarations of interest were made.

## **3. UNRESTRICTED MINUTES**

Councillor Edgar, Lead Member Resources, proposed for the consideration of members of the Cabinet, that the minutes be amended to correct the following points:-

- Page 28 - Agenda item 10.2 "Budget 2011/12 – 2013/14 – Resource Allocation and Budget Review" third bullet contained in introduction of motion by the Lead Member Resources: deletion of text "thought to be in the range of 57 million and million over the next three years" and insertion of "estimated to be £70 million over the next three years".
- Page 29 - Agenda item 10.2 "Budget 2011/12 – 2013/14 – Resource Allocation and Budget Review" fifth bullet contained in introduction of motion by the Lead Member Resources: deletion of word "extrospective" and insertion of words "outward looking".

The Chair **Moved** (taking account of the proposed amendments from Councillor Edgar); and it was: -

### **Resolved**

That, subject to the amendments set out below, the unrestricted minutes of the ordinary meeting of the Cabinet held on 4<sup>th</sup> August 2010 be approved and signed by the Chair, as a correct record of the proceedings.

- Page 28 - Agenda item 10.2 "Budget 2011/12 – 2013/14 – Resource Allocation and Budget Review" third bullet contained in introduction of motion by the Lead Member Resources: deletion of text "thought to be in the range of 57 million and million over the next three years" and insertion of "estimated to be £70 million over the next three years".
- Page 29 - Agenda item 10.2 "Budget 2011/12 – 2013/14 – Resource Allocation and Budget Review" fifth bullet contained in introduction of

motion by the Lead Member Resources: deletion of word “extrospective” and insertion of words “outward looking”.

#### 4. DEPUTATIONS & PETITIONS

The clerk advised that the Assistant Chief Executive had received no requests for deputations or petitions in respect of the business contained in the agenda.

#### 5. OVERVIEW & SCRUTINY COMMITTEE

##### 5.1 Chair's advice of Key Issues or Questions in relation to Unrestricted Business to be considered

The Chair informed members of the Cabinet that Councillor Jackson, Chair of the Overview and Scrutiny Committee, had **Tabled** a sheet of questions/ comments arising from the deliberations of the Overview and Scrutiny Committee, held on 7<sup>th</sup> September 2010, in respect of the unrestricted business contained in the agenda for consideration, a copy of which would be interleaved with the minutes.

Councillor Jackson, Chair of the Overview and Scrutiny Committee, addressed members of the Cabinet:

- *Budget and Policy Framework matters*  
Orally reporting and expanding as appropriate upon the comments/ advice of the Overview and Scrutiny Committee regarding Agenda item 6.1 “LDF Core Strategy: Adoption of the plan” as follows:
  - The Final Core Strategy had been welcomed, with a number of points raised for Cabinet consideration when deliberating the adoption of this plan and considering the development of subsequent development plans.
    - The LDF should be a more accessible document in terms of content/ structure/ language. The Planning Section needed a more approachable persona.
    - Subsequent development plans should engage residents at a level they can easily understand, also making clear how to access consultation/ services, their stake and the constraints.
  - Work around north of the borough with the border of Hackney and Victoria park area how we encourage business to this part of the area
  - The identification of a waste site for the borough
  - Saturation of fast food outlets in the borough particularly near schools and following up last year’s review on childhood obesity
  - Planning policy around open plan development in this borough recognising the need of the diverse communities in the borough who may not find that appropriate.

- *Overview and Scrutiny Work Programme*  
Reporting the consideration and agreement of the Overview and Scrutiny Work Programme for 2010/11 and outlining the key elements thereof.
- *Key Issues or Questions (Pre Scrutiny)*  
Informing members of the Cabinet that she had nothing to add to the questions/ comments raised by the Overview and Scrutiny Committee, as set out in the tabled paper regarding: -
  - Item 6.2 Adoption of Housing Investment Programme Capital Estimates - 2010/11
  - Item 6.3 Carbon Reduction Commitment (CRC) Energy Efficiency Scheme
  - Item 6.4 Renewal of Housing General Build Repair and Gas Servicing and Repair Contracts
  - Item 6.6 Poplar Baths - proposed procurement route
  - Item 7.1 Childcare Capital Projects
  - Item 7.2 Culloden Primary School - Proposed Expansion
  - Item 10.1 2009/10 Capital Outturn
  - Item 12.1 Exercise of Corporate Director Discretions
- *Reports of Scrutiny Working Groups*  
Formally introduced the findings and recommendations of two Scrutiny Working Groups as follows:
  - **Private Rented Sector**
    - Led by former Councillor Alex Heslop who was keen to ensure better utilisation of the Private Rented Sector (PRS) to reduce housing problems in the borough.
    - Examined issues facing tenants of PRS including any gaps in support available to tenants. Those facing landlords including the growing number of private landlords. Another key aim was to examine whether the Council could provide management services for leaseholders who are subletting.
    - Outlined review methodology and participants giving evidence.
    - Key findings:
      - ❖ PRS used by a range of different communities in the borough including professionals, homeless, new migrants and university students.
      - ❖ There had been a huge increase in PRS due to high volumes of leaseholders sub-leasing their properties, increased from 10,000 in 1990 to 24,000 now. Consideration given to how to utilise this to reduce pressure on the housing waiting list.
      - ❖ The Council in partnership could do more help both landlords and local residents, despite the development of a Housing Strategy and Homelessness Strategy which had elements aimed at improving the provision of PRS housing.
      - ❖ Strategic steps would include undertaking a full PRS condition survey to provide an evidence base for the development of a housing strategy to support the PRS. Operational steps included the strengthening the role and profile of landlords and improving healthy and safety aspects of PRS.

- Welcomed the generally positive repose to the review set out in the action plan.

### **Youth Offenders – Supporting Vulnerable Young People**

- Led by Councillor Denise Jones who was particularly interested to identify why offending took place and why young people often returned to youth offending units.
- Outlined review methodology which included visiting a Youth Offenders Institute, the local Youth Court and engaging with young people and their parents about how they could be better supported.
- Key findings:  
3 strands focused on ways to re-engage young people with the education system, re-settlement of young offenders and supporting young people and their families.

The Chair thanked Councillor Jackson for presenting the contribution of the Overview and Scrutiny Committee, and then **Moved** and it was: -

### **Resolved**

That the questions/ comments/ advice of the Overview and Scrutiny Committee be noted, and that these be given consideration during the Cabinet deliberation of the items of business to which the questions/ comments/ advice related.

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

The Clerk advised that no provisional decisions taken by the Cabinet, at its meeting held on 4<sup>th</sup> August 2010, had been referred back to Cabinet, by the Overview and Scrutiny Committee, for further consideration.

## **6. A GREAT PLACE TO LIVE**

### **6.1 LDF Core Strategy: Adoption of the plan (CAB 029/101)**

Councillor Francis, Lead Member Housing Heritage and Planning, at the request of the Chair, in introducing the report:

- Summarised the key points contained therein, highlighting in particular:
  - That the Core Strategy was the most important part of the Local Development Framework, setting out the framework for planning decisions in the borough for the next 15 years and beyond.
  - A great deal of hard work had been undertaken over the past few years during the extensive preparation process for the Core Strategy; and the Final Core Strategy, attached to the report, was the last of a series of iterations.



- In December 2009, after lengthy preparation the Core Strategy had been approved for submission to the Secretary of State for Communities and Local Government, by Council. It represented a valuable refresh of the borough's planning policy. However much work had been undertaken since then to refine and strengthen the strategy, including an examination of the soundness of the Core Strategy by an Planning Inspector appointed by the Secretary of State.
- The Inspector wanted the Core Strategy to have a specific spatial vision for Tower Hamlets. The Authority had endeavoured, through extensive consultation, to achieve this in the strategy document prior to its agreement by Council for submission to the Secretary of State. Much consultation had been undertaken subsequently with the planning inspector.
- The points raised by the Chair of the Overview and Scrutiny Committee earlier in the proceedings, specifically those regarding:
  - Improved consultation with/ engagement of local residents.
  - Making this and other planning documents more accessible in terms of content/ structure/ language.

were desirable, and would be accommodated as far as was possible, bearing in mind that the strategy was a both a planning document and a legal document to which the Planning Authority must have reference to.

However it should be noted that both concerns had been raised in the Evidence in Public phase of the inspection process, but the Inspector had not agreed that these had been legitimate.
- The key aspect of the Inspector's report was whether she had found the Core Strategy to be sound or not; and she had found it to be sound. Councillor Francis quoted the Inspector as stating in her report that:
  - "I am satisfied that the Core Strategy meets the requirements of the Act and Regulations. My role is also to consider its soundness set out in Planning Policy Statement 12... The changes I have specified in this report are made only where there is a clear need to amend the document in the light of the legal requirements and/ or the criteria of soundness... None of these changes should materially alter the substance of the plan and its policies."
  - "I conclude that, with the amendments I recommend, the Tower Hamlets Core Strategy DPD satisfies the requirements of s20 (5) of the 2004 Act and meets the criteria of soundness in PPS12."
- That the small number of amendments to the Core Strategy were set out in the annexes to the Inspector's report attached at Appendix 2 to the Officer report.
- Concluded by commending the Final Core Strategy to the Cabinet for endorsement and onward recommendation to full Council.
- Addressed (see above), at the request of the Chair, the matters raised by the Overview and Scrutiny Committee, held on 7<sup>th</sup> September 2010,

in relation to the report; as contained in the oral comments/ advice presented by the Chair of the Overview and Scrutiny Committee earlier in the proceedings:

A discussion followed, during which the Final Core Strategy was welcomed, and which focused on the following points:-

- Noted that this was the latest in a series of iterations which had been reported to Cabinet.
- Noted that the amendments proposed by the Inspector were relatively minor.
- Clarification/ assurance was sought and given regarding changes to the Core Strategy proposed by the Authority during the Inspection Process, and the reason why these had not been addressed in the Strategy submitted to the Secretary of State.
- Consideration that further work was needed to ensure that the planning tools provided by the Core Strategy were fully utilised to effectively address the level of fast food outlets, selling food with high levels of saturated fat, and thereby mitigate the high levels of obesity in the borough. Consideration also, that in this context, officers should examine the experience and practice at other local authorities.

The Chair summarised that the receipt of applications for planning consent and associated decision making was one of the most contested areas of the Council's activities. The Core Strategy would set the future framework for this and had been the subject of comprehensive consideration by stakeholders including members of the Cabinet and Council. The scope of the Core Strategy was extensive, and it was therefore unlikely that everyone would be content with 100 per cent of it. The Strategy had been strong when submitted to the Secretary of State and the Inspection Process had further strengthened it. It had now been independently assessed to be a strong sound framework to take forward development in Tower Hamlets to the benefit of its residents. Accordingly the Chair **Moved** for the consideration of members of the Cabinet, that:

- In relation to recommendation 2.1 contained in the report, "the Final Core Strategy in Appendix 1 be noted and endorsed and that the Inspectors report and three Annexes as included in Appendix 2, be noted.
- That recommendation 2.2 as set out in the report be agreed.

and it was:-

### **Resolved**

1. That the Final Core Strategy contained in Appendix 1 to the report (CAB 029/101) be noted and endorsed also noting the Inspectors report and three Annexes as included in Appendix 2 to the report; and
2. That full Council be recommended to adopt the Local Development Framework Core Strategy (including the Inspectors required amendments) to be a part of the borough's Development Plan.

## **6.2 Adoption of Housing Investment Programme Capital Estimates - 2010/11 (CAB 030/101)**

Councillor Francis, Lead Member Housing Heritage and Planning, at the request of the Chair, in introducing the report summarised the key points contained therein, highlighting in particular:

- The Housing Investment Programme (HIP) had been very successful in 2009/10, and a great deal of work was underway on schemes within this capital programme, which had been previously agreed by Cabinet.
- The 2010/11 HIP had been submitted to and agreed by Cabinet early (March 2010), to minimise delay in starting work on agreed schemes at the start of that financial year, and it had been intended that an updated programme would be submitted to Cabinet in Summer 2010. This report, and to some extent schemes within the HIP, had been delayed due to the uncertainty around the level of resources available to Tower Hamlets, as a consequence of cuts in public expenditure imposed from the Coalition Government. There was now more certainty around the resources available for the HIP in 2011/12 and the associated impact on 2010/11.
- Remaining Council owned housing stock required a huge level of investment to achieve the Decent Homes standard for example carrying out works to install new kitchens and bathrooms. The Council had submitted a resource bid to Government for £120 million, to which the previous Labour Government had given a commitment, but the Coalition Government position was very uncertain. Other works to communal areas: new lifts, door entry systems, new windows and roofs, had been planned in an ambitious programme for 2010/11. The Council still hoped to bring forward priority schemes which could be undertaken without compromising its financial position and the report proposed that £2 million be allocated for the extension of the Decent Homes Pilot scheme for this purpose. Decent Homes work would be rolled out on estates from 2011 onwards where resources were available, but it was clear that the mainstream programme would not commence in April 2011.

Mr Holme, Service Head Resources, Development and Renewal subsequently addressed the matters raised by the Overview and Scrutiny Committee, held on 7<sup>th</sup> September 2010, in relation to the report; as set out in the tabled sheet of questions and comments presented by the Chair of the Overview and Scrutiny Committee earlier in the proceedings.

A discussion followed, during which the proposals in the report were broadly welcomed, and which focused on the following points:-

- Clarification/ assurance was sought and given in relation to schemes in Bow West Ward, in particular the Malmesbury Estate, which had been in the 2010/11 HIP Programme but were not in the prioritised programme; and the process for informing residents that the schemes would be brought forward as funding became available. Following Cabinet agreement of the proposals in the report and the outcome of the Coalition Government Comprehensive Spending Review in October

2010 residents would be informed of the position regarding relevant schemes. Should resources be available the schemes would be prioritised, as there was no intention to renege on commitments.

- Welcomed the proposals relating to properties in Ropery Street detailed in the report, commenting that the derelict properties were an eyesore/ nuisance which had ruined quality of life for residents in the vicinity; and consequently had generated detailed Member correspondence with the Lead Member Housing Heritage and Planning. Residents hopes had been dashed previously because the timescale for addressing the issue had not been achieved. Clarification/ assurance was therefore sought regarding the timeline for delivery of the proposed scheme for Ropery Street. Councillor Francis responded that he was aware of the distress to local residents arising from the derelict properties, and it was right for Members to seek assurances on their behalf. He had strongly advocated the scheme because of this distress and would like it progressed expeditiously as it would generate resources that were to be utilised for another scheme in Alie Street. He undertook to respond to Councillor Saunders in writing with regard to the exact timeline.

The Chair **Moved** the recommendations as set out in the report; and it was: -

### **Resolved**

1. That the contractually committed schemes that have been let and have commitments in 2010-11 and 2011-12, as set out in paragraph 7.2 of the report (CAB 030/101) and Appendix A to the report, be noted;
2. That the capital estimates for those schemes set out in Appendix B to the report (CAB 030/101) be adopted and authority delegated to the Corporate Director, Development and Renewal, after consultation with the Lead Member – Housing, Heritage and Planning, to progress, subject to clarification on the funding for 2011-12 and resources being made available, as set out in paragraphs 7.4 and 7.5 to the report;
3. That a capital estimate of £500,000 be adopted within the 2010 -11 capital programme to establish a contingency provision for urgent works, as set out in paragraph 7.6 of the report (CAB 030/101);
4. That capital estimates of up to £2,000,000, as outlined in Appendix D of the report (CAB 030/101) be adopted, to allow the commencement of the Decent Homes programme to be funded under the Accelerated Delivery of Key Priorities as agreed by Cabinet on 4 November 2009, as set out in paragraph 8.1 of the report;
5. That a capital estimate of £100,000 to incorporate additional Aids and Adaptations funding into the Housing Investment Programme be adopted, noting that these resources were also approved under the Accelerated Delivery of Key Priorities as agreed by Cabinet on 4 November 2009, as set out in paragraph 8.2 of the report (CAB 030/101); and

6. That the capital receipt of £800,000 from the sale of 9 ex-short life properties to Network Housing Association be used to part fund the Network scheme at 14-20 Alie Street, as outlined in Section 9 of the report (CAB 030/101).

### **6.3 Carbon Reduction Commitment (CRC) Energy Efficiency Scheme (CAB 031/101)**

The Chair informed members of the Cabinet that the report had been withdrawn upon the advice of Mr Dalvi, Corporate Director Development and Renewal.

### **6.4 Renewal of Housing General Build Repair and Gas Servicing and Repair Contracts (CAB 032/101)**

Ms Odunoye, Service Head Strategy, Regeneration and Sustainability Development and Renewal, at the request of the Chair, in introducing the report:

- Summarised the key points contained therein, highlighting in particular:
  - The current repair contract (voids, reactive repairs, minor planned works) and the gas servicing and repair contract were let for 5 years in April 2005 with an option to extend for 2 years. They were both extended for 1 year to end of March 2011, so new contracts would be required in April 2011.
  - This procurement represented approximately 80 per cent by value of the Council's expenditure on repairs and maintenance for housing stock.
  - Tower Hamlets Homes had been responsible for the delivery of the repairs since July 2008; and in conjunction with a resident group had reviewed the contracts, with a view to improving service delivery for tenants and residents. Telephone surveys and call centre data had also been examined. Feedback from statutory consultation with leaseholders [December 2009] was also reflected in the proposals.
  - Term Partnering contracts were proposed. A modern form of contract, taking account of both the client/ contractor relationship and stakeholders such as residents, allowing a more collaborative/ flexible approach focused on outcomes: problem solving and continuous improvement.
  - The new contracts were customer focused with; emphasis on neighbourhood delivery of services. Senior managers on the contractor side were required to work with both THH Officers, TRAs and other residents and were consequently located in the 3 Area Housing Offices.
  - Access to the service was primarily via the Call Centre and no change was proposed to the call receipt/ diagnostic process. However there was scope for improved call management: co-location of contractor staff in the call centre improved diagnostic accuracy, chase up calls could also be reduced through contractor ownership.

- Planned repairs would be optimised within the new service for example gas servicing. THH would also plan for reactive repairs, with sufficient staff employed to meet probable demand with down time used for preventative maintenance for example gas servicing alongside call out or gutter clearance.
- Completion of repairs on time and within budget would also be part of the focus on outcomes.
- Following expressions of interest 8 contractors had been shortlisted to tender for the two contracts.
- Addressed the matters raised by the Overview and Scrutiny Committee, held on 7<sup>th</sup> September 2010, in relation to the report; as set out in the tabled sheet of questions and comments presented by the Chair of the Overview and Scrutiny Committee earlier in the proceedings:

A discussion followed, during which the proposals in the report were broadly welcomed, and which focused on the following points:-

- Welcomed the objective of improving the level of service received by tenants and the quality of repairs undertaken. However, clarification/ assurance was sought and given, in referring to Section 6 of the report, as to whether the proposed new format of contract had been used by other local authorities to improve their service, to what extent this had proven successful, and were officers confident that the improved outcomes/ relationships detailed could be delivered.
- Clarification/ assurance was sought and given, in the context of the reported likelihood of the Connaught entering administration, as to the financial procedures for checking/ ensuring the financial stability of contractors working for the Authority.

The Chair **Moved** the recommendations as set out in the report; and it was: -

### **Resolved**

1. That it be agreed that the contracts for General Build Housing Repair and Gas Servicing and Repair proceed to Award stage; and
2. That the Corporate Director of Development and Renewal be authorised to award the contract or contracts, and after consultation with the Assistant Chief Executive (Legal Services) to execute all necessary contract documents.

## **6.5 The Private Rented Sector: Report of the Scrutiny Working Group (CAB 033/101)**

Councillor Francis, Lead Member Housing Heritage and Planning, in introducing the report:

- Formally thanked Councillor Heslop for his leading contribution to the scrutiny review, welcomed the work undertaken by the Scrutiny Team and the very positive proposals arising from the review. The positive

nature of the recommendations was reflected in the embracing response of the Development and Renewal Directorate.

- Commented that there were properties on housing estates which had been bought under “Right To Buy” legislation which were now badly managed by poorly regulated Private Sector landlords or managing agents. The recommendations of the scrutiny review working group went a long way to identifying how more decisive action could be taken to deal with this problem. The Council, and he as Lead Member, were intending to take this work forward, and specifically the aspect relating to properties with multiple occupancy, which had been highlighted by cases in Wapping and Whitechapel Wards.
- Commented also that the Private Rented Sector was not all bad, with some landlords taking their responsibilities seriously and endeavouring not to charge excessive rents.

A discussion followed, during which the proposals in the report were broadly welcomed, and which focused on the following points:-

- The Chair, in referring to Appendix 2 “Response to Scrutiny Review Working Group Report on Private Rented Sector” - Recommendation 4, commented that it was recommended that the Communities Localities and Culture Directorate developed a partnership strategy with the NHS Tower Hamlets, London Fire Brigade and Voluntary Sector to tackle poor housing/ health conditions in the borough; including a mechanism for referral of cases by the Council to these partners for a range of support services to improve quality of life. In this context, consideration that it was important for these partners to be able to refer matters to the Council, for example where properties were in poor condition, and that the mechanism for referral between the Council and its partners be reciprocal. The Chair therefore proposed for the consideration of members of the Cabinet that the recommendations set out in the report be amended accordingly.
- The Chair, in referring to Appendix 2 “Response to Scrutiny Review Working Group Report on Private Rented Sector” - Recommendation 8, commented that the development of a “landlord of the year” annual awards ceremony was recommended but considered that in the current climate of financial austerity it would be more appropriate for the Council’s existing award ceremonies to be developed to encompass a “landlord of the year” element. The Chair therefore proposed for the consideration of members of the Cabinet that the recommendations set out in the report be amended accordingly.
- Shelter, the housing and homeless charity, was formally congratulated and thanked for its effective campaign regarding rogue landlords. In this context, clarification/ assurance was sought and given regarding the Council’s enforcement policy, number of prosecutions and associated publicity, in respect of rogue landlords (health and safety and overcrowding matters particularly). Officers were subsequently requested to re- examine whether the Authority was doing all it could in respect of the prosecution of rogue landlords. The Chair also summarised that positive points had been made during the discussion regarding publicising services available to local residents for the reporting of rogue landlords, and using East End Life for this. He

considered it would therefore be appropriate to revise Appendix 2 “Response to Scrutiny Review Working Group Report on Private Rented Sector” – Recommendation 7 to reflect this suggestion within the recommended communications strategy. The Chair therefore proposed for the consideration of members of the Cabinet that the recommendations set out in the report be amended accordingly.

- Commented that the former Government Minister had been due to take forward legislation that would have robustly equipped local authorities to take action against rogue landlords, but this would not reach the statute book under the Coalition Government. Commented also that the Scrutiny Review had heard evidence from staff at Queen Mary University, which operated an effective scheme of managing the landlords of its students, and requested that officers examine this scheme and its operation with a view to learning/ implementing good practice.

The Chair **Moved** for the consideration of members of the Cabinet, that:

- In relation to recommendation 2.1 contained in the report, that the report of the Scrutiny Working Group on the Private Rented Sector, as set out in Appendix 1 to the report be noted.
- Taking account of the amendments he had proposed during the deliberation of this item, that recommendation 2.2 as set out in the report be agreed.

and it was:-

### **Resolved**

1. That the report of the Scrutiny Working Group on the Private Rented Sector, as set out in Appendix 1 to the report (CAB 033/101), be noted; and
2. That, subject to (a) to (c) below, the response to the recommendations from the Working Group as set out in Appendix 2 to the report (CAB 033/101) be agreed, noting that continuing consideration was to be given to the emerging policy changes and public sector funding decisions of the new coalition government that have been made since the agreement of these recommendations by the Overview and Scrutiny Committee in April 2010.
  - (a) Response to Recommendation 4 – revision to include a reciprocal mechanism for referral between the Council and its partners.
  - (b) Response to Recommendation 7 – revision to include use of East End Life to publicise services available to local residents for the reporting of rogue landlords.
  - (c) Response to Recommendation 8 – revision to indicate that the Council’s existing award ceremonies would be developed to encompass a “landlord of the year” element.



## 6.6 Poplar Baths - proposed procurement route (CAB 034/101)

Mr Algar, Service Head Asset Management, Development and Renewal, at the request of the Chair, in introducing the report:

- Summarised the key points contained therein, highlighting in particular:
  - That the technical contents could be summarised as: informing Cabinet that officers had reviewed the options for delivery of new leisure facilities on the Poplar Baths site and proposed an alternative procurement route, which would significantly reduce up front revenue costs but also give developers/ contractors more scope to innovate in both design and generation of value through enabling development, without impacting on overall timescale for delivery.
  - A bid for funding the up front costs of the initial work to manage the procurement process would be considered at by an officer group in September. The Council would be unable to go beyond an early stage of the procurement process without committed capital funding being in place, and the allocation of this would be part of the budget setting process for 2011/12. A progress report would be presented to Cabinet in Spring 2011.
- Addressed the matters raised by the Overview and Scrutiny Committee, held on 7<sup>th</sup> September 2010, in relation to the report; as set out in the tabled sheet of questions and comments presented by the Chair of the Overview and Scrutiny Committee earlier in the proceedings:

The Chair in **Moving** the recommendations as set out in the report commented that:

- The Labour Administration had stated repeatedly that it was keen to bring the scheme to fruition, and for residents to once again swim in Poplar Baths, however there were difficulties in doing so, particularly due to the capital funding requirements.
- The proposals contained in the report were a sensible way to reduce Council costs in working up the scheme, whilst benefitting from the expertise of professional developers in the design work for the development.

And it was:-

### **Resolved**

1. That the proposed procurement route be agreed, and the Corporate Director Development and Renewal be authorised to commence the process of inviting developers/contractors to express an interest in the scheme by completing a pre qualification questionnaire;
2. That the capital funding requirement and the fact that the procurement process cannot proceed to shortlist phase without funding being in place be noted; and
3. That the Corporate Director, Development and Renewal be instructed to explore the scope for the capital receipt from any enabling

development on Housing Revenue Account land being used to support this scheme.

## 6.7 Building Control Charges (CAB 035/101)

Mr Whalley, Service Head Planning and Building Control, Development and Renewal, at the request of the Chair, in introducing the report summarised the key points contained therein, highlighting in particular:

- That new regulations [Building (Local Authority charges) Regulations 2010] required the Council to prepare and publish a set of standard charges relating to their performance of building control functions.
- The scheme should aim to recover all costs associated with performance of this function.
- It was proposed that a delegation of authority be made to the Corporate Director Development and Renewal to approve the standard charges tables which would be based on the London District Surveyors Association Model Charging Scheme 2010.

The Chair commented that essentially the report made a reasonable proposal of charging for services at cost/ an effective trading account; and subsequently **Moved** the recommendations as set out in the report; and it was:-

### Resolved

1. That London Borough of Tower Hamlets Building Regulations Charging Scheme No1 2010 attached at Appendix A to the report (CAB 035/101) be agreed; and
2. That the Corporate Director Development and Renewal be authorised to approve standard charges tables in the proposed charges scheme and to amend, revoke or replace any future London Borough of Tower Hamlets Building Regulations Charging Scheme made under the Building (Local Authority Charges) Regulations 2010.

## 7. A PROSPEROUS COMMUNITY

### 7.1 Childcare Capital Projects (CAB 036/101)

Ms Canning, Service Head Learning and Achievement, Children Schools and Families, advised members of the Cabinet that:

- The report recommended the award of grant funding, comprising the final two major allocations of capital funding to be made from the third year of the Early Years Service Capital Funding (Childcare Quality and Access) programme; and Ms Canning very briefly outlined the rationale for the proposals.
- However at the point when the report had been written/ published officers had been aware that the Coalition Government (Department for

Education (DfE)) was reviewing all capital allocations through the Sure Start Early Years and Childcare Grant, in terms of projects that were committed/ not committed [uncommitted projects being those where a contract to undertake works had not been signed]. Although the two projects were considered to be uncommitted, officers had lodged an appeal with the DfE hoping that the associated grant funding would not be cut. The recommendation to Cabinet to approve grant funding for the two project had been subject to the outcome of the review and appeal, and this was set out in the report.

- The outcome of the Coalition Government capital funding review and associated appeal by the Council to save the two projects was now known, and Government had not agreed to fund the two projects. The report and recommendations contained therein must therefore be withdrawn.

A discussion followed, which focused on the following points:-

- Expression of great sadness and disappointment that schemes to provide childcare for approximately 150 children in Tower Hamlets could not be taken forward because of cuts in capital expenditure by the Coalition Government. Also requested that officers continue to explore options to provide improved childcare for these children and others in Tower Hamlets.
- Clarification sought and given as to the future status of other schemes listed as contractually uncommitted in Appendix 1 to the report. Noted that Government had withdrawn capital funding from all schemes where expenditure was uncommitted, however officers were examining options to take these schemes forward where the funding required to do so was relatively minor.
- Councillor Eaton, speaking with the consent of the Cabinet, in referring to the "One Tower Hamlets Considerations" section contained in the report which stated that take up of childcare by BME communities was less than that of other communities, commented that this should not be regarded negatively and was indeed a strength of those communities, which benefitted from the bonus of extended family links.

The Chair summarised that members of the Cabinet had noted that the report had been withdrawn upon the advice of Ms Canning, Service Head Learning and Achievement, who was deputising for the Acting Corporate Director Children Schools and Families.

## **7.2 Culloden Primary School - Proposed Expansion (CAB 037/101)**

Ms Canning, Service Head Learning and Achievement, Children Schools and Families, at the request of the Chair, in introducing the report:

- Summarised the key points contained therein, highlighting in particular:
  - There was a growing need for primary school places in the borough, particularly in central and eastern areas, and the Authority had a duty to ensure that there were sufficient school places available to meet the needs of the local population.
  - The Council had implemented a number of school expansion projects, and the Children Schools and Families Directorate

continued to examine and develop further schemes to expand existing primary schools, as this was the most cost effective way of providing additional places.

- Culloden Primary School had been identified as having potential for expansion and had successful, high quality leadership. The governing body had responded positively to the proposed scheme in recognising the benefits that the increased size would offer the school: improved facilities, enhanced budget and staffing levels allowing great curriculum flexibility and range of offer.
- In anticipation of the delay in implementing such projects planning needed to proceed at this point in order to ensure delivery of a sufficient supply of school places, and it was intended that the project be on site prior to formal capital funding allocations from the Department for Education. There was thought to be capital funding for the scheme at the current time.
- Addressed the matters raised by the Overview and Scrutiny Committee, held on 7<sup>th</sup> September 2010, in relation to the report; as set out in the tabled sheet of questions and comments presented by the Chair of the Overview and Scrutiny Committee earlier in the proceedings:

A brief discussion followed, which focused on the following points:-

- Clarification sought and given as to the support of the governing body of the school for the expansion scheme.
- Clarification sought and given as to the scale of support of parents and staff for the expansion of the school and the nature of consultation with stakeholders.

The Chair commented that the growing need for additional school places, and the challenges that presented for the Council, had been comprehensively discussed by the Cabinet in August, and it had agreed a strategy which would provide for this need and endeavour to do so with locally. The Chair subsequently **Moved** the recommendations as set out in the report; and it was:-

### **Resolved**

That statutory proposals be published for the enlargement of Culloden Primary School to admit 90 pupils in each year from September 2012.

## **7.3 Thomas Buxton Infant and Junior Schools - Proposed Amalgamation (CAB 038/101)**

Ms Canning, Service Head Learning and Achievement, Children Schools and Families, at the request of the Chair, in introducing the report summarised the key points contained therein, highlighting in particular:

- By agreement with the governing bodies, an appointment of one Head Teacher of both schools from January 2010 had been made.

- The governing bodies were supportive of the proposals for amalgamation.
- The benefits of amalgamation included: more effective use of resources, improved opportunities for recruitment of good quality staff and retention of these. Continuity of curriculum and no need for transition arrangements for pupils at age of 7. Continuity of governing body.
- The initial consultation with stakeholders had been thoughtful and the outcomes positive.
- For amalgamation to progress the statutory framework required proposals for this to be published.

A brief discussion followed, which focused on the following point:-

- Clarification sought and given as to the nature of the new governing body arrangements. One had reduced in size and they were effectively operating as a single interim governing body now, and should the statutory proposals be agreed it was hoped the new governing body would be in place by Easter 2011.

The Chair commented that continuity in schooling was acknowledged as of crucial importance to young people, who had been found to be at most risk during times of transition. The Chair subsequently **Moved** the recommendations as set out in the report; and it was:-

### **Resolved**

That statutory proposals be published both for the closure of Thomas Buxton Junior School from 31 March 2011 and the change of age range of Thomas Buxton Infant School from 1 April 2011, in order that the amalgamation of the existing Thomas Buxton Infant and Junior Schools be implemented.

## **8. A SAFE AND SUPPORTIVE COMMUNITY**

### **8.1 Youth Offenders: Supporting Vulnerable Young People. Report of the Scrutiny Working Group (CAB 039/101)**

The Chair:

- In **Moving** for the consideration of members of the Cabinet that:
  - In relation to recommendation 2.1 contained in the report, that the report of the Scrutiny Working Group on Youth Offenders: Supporting Vulnerable Young People, as set out in Appendix A to the report, be noted.
  - Recommendation 2.2, as set out in the report be agreed.
- Commented, with reference to Appendix B "Response to Scrutiny Review Working Group Review on Youth Offenders – Supporting Vulnerable Young People" - Recommendation 6, [Support for Foyer Federation proposal to create a Young Offenders Academy in East London] that the response was completely appropriate and gave an

assurance that the Cabinet and Deputy Leader of the Council would be taking this forward.

- Summarised by formally thanking Councillor Jones, Lead Member Culture and Creative Industries and former Scrutiny Lead Safe and Supportive, for her leading contribution to the scrutiny review. It was acknowledged to have extensively engaged young people and the outcome to be valuable in taking this area of activity forward.

And it was: -

### **Resolved**

1. That the report of the Scrutiny Working Group on Youth Offending, as set out in Appendix A to the report (CAB 039/101), be noted; and
2. That the response to the recommendations from the Working Group, as set out in Appendix B to the report (CAB 039/101) be agreed, noting that continuing consideration is to be given to the emerging policy changes and public sector funding decisions of the new Coalition Government that have been made since the agreement of these recommendations by the Overview and Scrutiny Committee in April 2010.

## **9. A HEALTHY COMMUNITY**

The Clerk advised that there were no business to be considered under this section of the agenda.

## **10. ONE TOWER HAMLETS**

### **10.1 2009/10 Capital Outturn (CAB 040/101)**

Mr Naylor, Corporate Director Resources, at the request of the Chair, in introducing the report:

- Briefly summarised the key points contained therein.
- Addressed the matters raised by the Overview and Scrutiny Committee, held on 7<sup>th</sup> September 2010, in relation to the report; as set out in the tabled sheet of questions and comments presented by the Chair of the Overview and Scrutiny Committee earlier in the proceedings:

A discussion followed which focused on the following points:-

- Councillor Edgar, Lead Member Resources, considered that the scale of the reported total underspend in relation to capital expenditure in 2009/10 was of significant concern. He stated that he would be seeking a more detailed explanation/ robust assurance for the underspends, than those set out in the variance analysis appended to the report, from the Corporate Director Resources. In this context the Corporate Director Resources was requested to discuss/ examine the underspends with Chief Officer colleagues. Councillor Edgar added

that capital underspend was of particular concern in the current environment of fiscal constraint, as if available funding was not used it could be lost, and in this context he would be monitoring rates of spend to ensure they were at an appropriate level.

- The Chair, commented that whilst underspend on a revenue budget was oftentimes positive, that was not the case with capital as slippage normally meant delivery of outcomes was not achieved. He recalled that the Cabinet had previously considered it appropriate, when capital programmes had been reported to have underspent, that funding be clawed back, or projects be reviewed to ascertain whether they continued to meet the Administration's priorities. He therefore requested that the Corporate Director Resources review the programme in the context of clawback rules previously determined by Cabinet. Mr Naylor, Corporate Director Resources, responded that any project that had underspent over more than one financial year would be reported back for Cabinet consideration.

The Chair **Moved** the recommendations as set out in the report; and it was: -

### **Resolved**

1. That the contents of the report (CAB 040/101) be noted; and
2. That approvals of £4.083 million in the Local Priorities Programme, as detailed in Appendix 2 to the report (CAB 040/101), be carried forward into 2010/11.

## **10.2 Enforcement Policy and RIPA (CAB 041/101)**

### ***Special Circumstances and Reasons for Urgency***

The Chair informed members of the Cabinet that the special circumstances and reasons for urgency associated with the proposals were detailed on the front page of the report. The Cabinet subsequently agreed the special circumstances and reasons for urgency, as set out on the front page of the report, and also set out below:

“There is a need to implement this new enforcement policy with the revised RIPA [Regulation of Investigatory Powers Act 2000] policy by September [2010] in order that the changes and Member oversight required by the new code of conduct referred to in the report [paragraph 5.12] can be implemented prior to the next inspection in December 2010.

Mr Galpin, Head of Legal Services (Community), at the request of the Chair, in introducing the report summarised the key points contained therein, highlighting in particular:

- That the Authority undertook a variety of enforcement functions ancillary to the broad range of regulatory functions it actively exercised. The report provided a window onto this activity and proposed a

framework policy which would guide officers in exercising these functions and provide Member oversight of the exercise of these functions.

- The Enforcement Policy would provide broad sound principles for enforcement, and these were set out at paragraph 3.1 of the report. It would also provide guidance to officers when selecting from the enforcement options available to the Authority in individual cases.
- The oversight of enforcement action was considered to sit appropriately with the ethical governance remit of the Standards Committee, which had a majority of independent members, and it was therefore proposed that its Terms of Reference be amended to include this. It would then be responsible for responding to recommendations from officers in respect of the commissioning of surveillance.

A discussion followed, during which the proposals in the report were broadly welcomed, and which focused on the following points:-

- Councillor Eaton, speaking with the consent of the Cabinet:
  - Welcomed the report, commenting that there was an absolute need for transparency in relation to the exercise of such sweeping powers.
  - Considered that the Council's partnership with the Crown Prosecution Service (CPS) needed reconfiguration to ensure it took forward the best interests of residents in Tower Hamlets, given a recent poor report for the CPS.
  - Commented that there was no mention in the report of training for members of the Standards Committee in respect of the Authority's Enforcement Policy, and specifically aspects relating to the Regulation of Investigatory Powers Act 2000 (RIPA) dealing with surveillance, and this needed to be arranged.
  - Relayed her understanding that payments were often made to Covert Human Intelligence Sources (CHISs), who placed themselves at risk in surveillance. The report was silent on this matter and this therefore required examination and inclusion in subsequent versions of the Enforcement Policy.
- The Chair, concurred with Councillor Eaton and accordingly:
  - Requested that officers examine the issue of payments to CHISs.
  - Proposed an additional recommendation, to those set out in the report, for the consideration of members of the Cabinet that:  
"Members Development Programme be modified to include training for members of the Standards Committee in respect of the Authority's Enforcement Policy and specifically aspects relating to the Regulation of Investigatory Powers Act 2000 (RIPA) dealing with surveillance."
- Councillor Jackson, Chair of the Overview and Scrutiny Committee (OSC), speaking with the consent of the Cabinet, relayed a point made the previous evening at the OSC, that the Council needed to ensure that Registered Social Landlords and Tower Hamlets Homes (Council's Arms Length Management Organisation) follow the correct processes in respect of enforcement and surveillance. It was also important to provide clarity for residents as to who was carrying out surveillance.



- Commented that many of the issues set out in the report, which could result in enforcement action and related surveillance were those which local residents wanted to be tackled such as anti-social behaviour, Fly tipping, graffiti, underage sales of knives, tobacco and alcohol. However clarification/ assurance was sought and given that the framework would wrap around current principles/ existing activities of the Council and the extent to which it was more or less restrictive; and also as to the extent to which these powers were used currently.
- Consideration that the code of practice referred to vulnerable elements of the community, such as those with learning difficulties and it was vitally important to take account of this with reference to enforcement.
- Commented that the Standards Committee would need to consider what comprised “effective oversight” of enforcement action, how it would ensure it was effectively informed about this role and how it would achieve it.
- The Chair, in referring to the list of priorities for targeting enforcement action under the proposed Enforcement Policy set out in the report [Appendix 1 “LBTH Enforcement Policy”, Annex 1 “Policy on the use of Covert Surveillance Regulation of Investigatory Powers Act 2000”, Section 4 “Priorities”] considered it appropriate that the list be revised to include all licence breaches including for example the sale of alcohol to minors or selling outside licensed hours; and therefore proposed for the consideration of members of the Cabinet that the recommendations set out in the report be amended accordingly.

The Chair **Moved** (taking account of the amendments he had proposed during the deliberation of this item), that the recommendations as set out in the report be agreed; and it was:-

### **Resolved**

1. That, subject to (a) below, the enforcement policy contained in Appendix 1 to the report (CAB 041/101), be approved:
  - (a) Annex 1 “Policy on the use of Covert Surveillance Regulation of Investigatory Powers Act 2000”, Section 4 “Priorities”, Paragraph 4.3 list of Council’s current priorities for the use of RIPA to be revised to include all licence breaches.
2. That Full Council be recommended to amend the Council’s Constitution so that the Terms of Reference of the Standards Committee includes oversight of enforcement action as part of its ethical governance function; and
3. That the Members Development Programme be modified to include training for members of the Standards Committee in respect of the Authority’s Enforcement Policy and specifically aspects relating to the Regulation of Investigatory Powers Act 2000 (RIPA) dealing with surveillance.

## **11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT**

The Clerk advised that there were no business to be considered under this section of the agenda.

## 12. UNRESTRICTED REPORTS FOR INFORMATION

### 12.1 Exercise of Corporate Director Discretions (CAB 042/101)

Ms Canning, Service Head Learning and Achievement, Children Schools and Families, at the request of the Chair, addressed the matters raised by the Overview and Scrutiny Committee, held on 7<sup>th</sup> September 2010, in relation to the report; as set out in the tabled sheet of questions and comments presented by the Chair of the Overview and Scrutiny Committee earlier in the proceedings:

The Chair **Moved** the recommendation as set out in the report and it was: -

#### **Resolved**

That the exercise of Corporate Directors' discretions, as set out in Appendix 1 of the report (CAB 042/101), be noted.

## 13. EXCLUSION OF THE PRESS AND PUBLIC

The Chair **Moved** and it was: -

#### **Resolved:**

That pursuant to regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and public be excluded from the remainder of the meeting:

- (a) As it was likely, in view of the nature of the business to be transacted in Section Two of the agenda, that if members of the public were present during consideration of this business there would be disclosure of exempt information.
  - Exempt information is defined in section 100I and, by reference, Schedule 12A of the Local Government Act 1972 ("the 1972 Act"). To be exempt, information must fall within one of the categories listed in paragraphs 1 to 7 of Schedule 12A, must not fall within one of the excluded categories in paragraphs 8 and 9 and the public interest in maintaining the exemption must outweigh the public interest in disclosing the information.
    - Agenda item 14. "Exempt/ Confidential Minutes" (of the meeting of the Cabinet held on 7<sup>th</sup> April 2010) contained information
      - Relating to any individual.

- The financial or business affairs of any particular person (including the authority holding that information).
  - Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- (b) As although there is a public interest favouring public access to local authority meetings, in this case the Cabinet concluded that given the information contained in:
- Agenda Item 14. "Exempt/ Confidential Minutes" (of the meeting of the Cabinet held on 7<sup>th</sup> April 2010) relating to
    - any individual.
    - The financial or business affairs of any particular person (including the authority holding that information).
    - Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- that the public interest in maintaining the exemption on the information outweighed the public interest in disclosing it.

### **SUMMARY OF EXEMPT PROCEEDINGS**

#### **14. EXEMPT / CONFIDENTIAL MINUTES**

Revised minutes of Cabinet meeting held on 7<sup>th</sup> April 2010 agreed.

#### **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 SUPPORTIVE COMMUNITY**

Nil items.

**19. A HEALTHY 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 7.20 p.m.

Chair, Councillor Helal Abbas  
Cabinet