

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE CABINET

HELD AT 5.45 P.M. ON WEDNESDAY, 7 NOVEMBER 2012

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

Members Present:

Mayor Lutfur Rahman (Mayor)	(Mayor)
Councillor Ohid Ahmed (Deputy Mayor)	(Deputy Mayor)
Councillor Shahed Ali	(Cabinet Member for Environment)
Councillor Abdul Asad	(Cabinet Member for Health and Wellbeing)
Councillor Alibor Choudhury	(Cabinet Member for Resources)
Councillor Shafiqul Haque	(Cabinet Member for Jobs and Skills)
Councillor Rabina Khan	(Cabinet Member for Housing)
Councillor Rania Khan	(Cabinet Member for Culture)
Councillor Oliur Rahman	(Cabinet Member for Children's Services)

Other Councillors Present:

Councillor Denise Jones	
Councillor Joshua Peck	(Leader of the Labour Group)
Councillor Marc Francis	
Councillor Ann Jackson	(Chair, Overview & Scrutiny Committee)
Councillor Stephanie Eaton	
Councillor David Snowdon	
Councillor Zenith Rahman	
Councillor Lesley Pavitt	(Deputy Speaker of Council)
Councillor Judith Gardiner	
Councillor Kabir Ahmed	(Executive Advisor to the Mayor and Cabinet)
Councillor Gulam Robbani	
Councillor John Pierce	

Officers Present:

Isobel Cattermole	– (Acting Corporate Director, Children, Schools & Families and Adult Health and Wellbeing)
Isabella Freeman	– (Assistant Chief Executive - Legal Services, Chief Executive's)
Stephen Halsey	– (Corporate Director Communities, Localities & Culture and Interim Head of Paid Service)
Chris Naylor	– (Corporate Director, Resources)
Aman Dalvi	– (Corporate Director, Development & Renewal)
Owen Whalley	– (Service Head Planning and Building Control, Development & Renewal)
Anne-Marie Berni	– (Infrastructure Planning Manager, Planning &

Numan Hussain	– Building Control, Development & Renewal (Political Advisor to the Mayor, Executive Mayor's Office, Chief Executive's)
Navida Quadi	– (Graduate Management Trainee, Executive Mayor's Office, Democratic Services, Chief Executive's)
David Courcoux	– (Political Adviser to the Labour Group, Chief Executive's)
Shahriar Hossain	– (Graduate Management Trainee, Communications)
Abad Uddin	– (Graduate Management Trainee, Human Resources)
Sayed Khan	– (Graduate Management Trainee, Human Resources)

ADJOURNMENT

The meeting was opened at 5.45 pm by Councillor Ohid Ahmed, the Deputy Mayor and immediately adjourned until 6:00 pm to allow time for the Mayor to arrive.

The meeting was then re-opened at 6.00 pm by Councillor Ohid Ahmed, the Deputy Mayor and adjourned for a further 15 minutes to 6.15 pm.

The meeting reconvened at 6.15 pm

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Rofique U Ahmed (Cabinet Member for Regeneration)

Noted.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillors Ohid Ahmed, Alibor Choudhury, Rabina Khan and Rania Khan declared pecuniary interests in Items 4 and 5.2 (Petition and Call-in relating to the Mayor's Mainstream Grants Programme) and would leave the room for the duration of those items.

Councillor Ann Jackson declared a pecuniary interest in Item 19.1 (Learning Disabilities Day Opportunities – Modernisation Programme) and would leave the room for the duration of that item.

Noted.

3. UNRESTRICTED MINUTES

The unrestricted minutes of the ordinary meeting of the Cabinet held on 3 October 2012 were presented for information.

4. PETITIONS

a. Petition regarding cuts to funding for Appian Court Resource Centre.

Ted Lewis, a regular service user and supporter of Appian Court Resource Centre, presented a petition to the Cabinet relating to concerns about the impact on services provided by the Appian Court Resource Centre of any potential cut to their grant. He highlighted a number of specific issues including:

- The Resource Centre provided very valuable services to local residents and was an important social and support lifeline.
- The important work done taking care of older people and who would undertake that work instead.
- The Centre supported a large community and was often asked for advice from other centres offering similar support.

Councillor Oliur Rahman, Cabinet Member for Children's Services, responded to the petition on behalf of the Cabinet. He thanked the petitioners for presenting their petition and for fighting for their community. He stressed that the Cabinet were concerned about the potential impact on services and did not want to see the service users neglected.

b. Petition regarding 'Save our Advice Centres'

Councillor Joshua Peck presented a petition to the Cabinet relating to fears about the impact on Advice Centres of any cuts to their grants. He highlighted their concerns that, at a time of significant government cuts to welfare benefits, the Centres were going to be a really important support to residents. He also requested that funds that were not yet allocated should be used and that the final decision should be made in a transparent way.

The Mayor thanked all the petitioners and stated that he would respond in more detail during the debate under Item 5.2 (Overview and Scrutiny Committee Call-in of the Mayor's Mainstream Grants Programme).

RESOLVED

1. That the following petitions be formally received and noted:
 - a. Petition regarding cuts to funding for Appian Court Resource Centre.
 - b. Petition regarding 'Save our Advice Centres'
2. That the points raised by the petitions be given consideration during the Cabinet deliberation of the item of business to which the petitions related; and
3. That any outstanding issues raised by the petitions be referred to the Corporate Director for Development and Renewal for attention and response in writing within 28 days, in accordance with the Authority's

Constitution (Part 4, Rules of Procedure, Section 4.1 Council Procedure Rules, Rule 19 Petitions).

5. OVERVIEW & SCRUTINY COMMITTEE

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

Councillor Ann Jackson, Chair of the Overview and Scrutiny Committee, reported that the main discussions at the previous evening's meeting had been the two Call-in reports and she would comment on those under Item 5.2.

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

5.2(i) Cabinet Decision "called-in": Mayor's Mainstream Grants Programme

The Mayor informed members of the Cabinet that:

- Councillor Ann Jackson, Chair of the Overview and Scrutiny Committee (OSC), had **Tabled** a reference (CAB 48/123) setting out the deliberations of the OSC, held on 6 November 2012, in respect of the decision of the Executive Mayor in Cabinet, on 3 October 2012, made in relation to the report "Mayor's Mainstream Grants Programme" (CAB 40/123).

Councillor Ann Jackson, Chair of the OSC, addressed the Mayor and Cabinet in relation to the tabled reference and recommendations made by OSC in referring this matter back to the Cabinet for further consideration. She highlighted particular issues that OSC had discussed including:

- Whether proper decision making processes had been followed and documentation provided, including an Equalities Impact Assessment.
- Had officer recommendations been significantly changed by the Executive, and if so, why.
- Whether the geographical spread of grants was balanced.
- Whether the new organisations identified had the capacity to deliver the required services with a particular concern around the provision of welfare advice.
- That the OSC were reviewing the process and so they requested appropriate assistance in that review including in the provision of documentation.

The Mayor heard further contributions and then thanked the Chair of OSC for her presentation. He responded to the Call-in, highlighting:

- He would consider the points raised.
- It was an important issue that had to be taken seriously.

- The funding should reach all residents and areas of the Borough.
- He would be withdrawing Item 7.1 (Main Stream Grants Programme 2012/15) to allow further consideration of the issues.

RESOLVED

1. That the advice/comments of the Overview and Scrutiny Committee, as detailed in the Tabled Reference (CAB 48/123) be noted.
2. That it be noted that the Mayor had withdrawn the Mainstream Grants report on the agenda to allow for further consideration of all the issues raised.

5.2(ii) Cabinet Decision “called-in”: Review of Tower Hamlets Art Work

The Mayor informed members of the Cabinet that:

- Councillor Ann Jackson, Chair of the Overview and Scrutiny Committee (OSC), had **Tabled** a reference (CAB 47/123) setting out the deliberations of the OSC, held on 6 November 2012, in respect of the decision of the Executive Mayor in Cabinet, on 3 October 2012, made in relation to the report “Review of Tower Hamlets Art Work” (CAB 35/123).

Councillor Ann Jackson, Chair of the OSC, addressed the Mayor and Cabinet in relation to the tabled reference and recommendations made by OSC in referring this matter back to the Cabinet for further consideration. She highlighted particular issues that OSC had discussed including:

- The cultural significance of the statue to the borough.
- That a number of organisations including the Docklands Museum were willing to host the statue and were able to obtain insurance at a reasonable cost.
- There was a large petition in favour of keeping the statue.
- There had been a Council resolution two years ago asking that the statue be brought back to the Borough.
- Concern that the decision was being rushed and questions as to the true financial worth of the statue.

The Mayor then received representations from Cabinet Members and others at the meeting who raised a number of issues including:

- Officers stated the statue was uninsurable and similar statues elsewhere had been stolen.
- Unsuccessful attempts had been made to find a suitable home for the statue.
- Selling the statue would not prevent a new owner from publically displaying it at an appropriate venue.
- Any funds raised could be invested back into the local community, for example in housing or cultural facilities such as libraries.

The Mayor thanked all those who been involved in the debate. He stated that having heard all the arguments he was satisfied with his original decision and accordingly:

RESOLVED

1. That the advice/comments of the Overview and Scrutiny Committee, as detailed in the Tabled Reference (CAB 47/123) be noted.
2. That the decision of the Cabinet, made on 3 October 2012, in relation to the Review of Tower Hamlets Art Work (CAB 35/123) be reaffirmed.

6. A GREAT PLACE TO LIVE

6.1 Leopold Estate CPO

The **Mayor agreed** the recommended decisions as set out in the report.

RESOLVED

1. To delegate to the Corporate Director of Development and Renewal, together with the Assistant Chief Executive, authority to take all necessary steps including the making of a Compulsory Purchase Order (CPO), General Vesting Declaration or Notice to Treat in respect of the land shown edged red on the plan at Appendix 2 including those interests set out in Appendix 1 including existing interests and new rights pursuant to Section 13 of the Local Government (Miscellaneous Provisions) Act 1976,
2. To delegate to the Corporate Director of Development and Renewal in consultation with the Assistant Chief Executive (Legal Services) the power to take all necessary procedural steps in making the compulsory purchase order including:-
 - 2.1 Making of the compulsory purchase order as described in Recommendation 2, including the publication and service of notices and thereafter seeking confirmation of it by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act), including the preparation and presentation of the Council's case at any Public Inquiry which may be necessary.
 - 2.2. Acquiring all interests in land and new interests within the CPO boundary shown at Appendix 2 either by private agreement or compulsorily
 - 2.3. Determination as to whether an individual Order shall be made under the provisions of Section 17 Housing Act 1985, or Section 226 Town and Country Planning Act 1990, as detailed in

paragraphs 4.24 to 4.27 of the report (CAB 068/078), should the Assistant Chief Executive (Legal Services) consider this appropriate;

- 2.4. Monitoring of negotiated agreements by Poplar HARCA with land owners or others as applicable, setting out the terms for withdrawal of objections to the compulsory purchase order, including where appropriate seeking exclusion of land or new rights from the compulsory purchase order.
 - 2.5. Publication and service of notices of confirmation of the CPO and thereafter to execute and serve any general vesting declarations or notices to treat, and notices of entry, and to acquire those interests to secure the development proposals.
 - 2.6. Referral and conduct of disputes relating to compulsory purchase compensation at the Upper Tribunal (Lands Chamber)
 - 2.7. Transfer of any land interests compulsorily acquired by the Council under the terms described in Recommendations 2.2 and 2.3 above to Poplar HARCA, once vacant possession is achieved.
3. To determine that the use of CPO powers is exercised after balancing the rights of individual property owners with the requirement to obtain vacant possession of the site.
 4. To determine that the interference with the human rights of the property owners affected by these proposals, and in particular their rights to a home and to the ownership of property, is proportionate, given the adequacy of their rights to object and to compensation, and the benefit to the economic, social and environmental well-being of the areas of Tower Hamlets affected by these proposals.
 5. To note that all costs incurred by the council, to manage and deliver CPO processes will be reimbursed by Poplar HARCA.

6.2 Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule

The **Mayor agreed** the recommended decisions as set out in the report.

RESOLVED

1. To approve the Tower Hamlets Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule as set out in Appendix 1 for a 6 week public consultation period from 16th November 2012 to 2nd January 2013.

2. To note the Equalities Analysis Scoping Report (Appendix 2), the Consultation Plan (Appendix 3), the Strategic Environmental Assessment Screening Report (Appendix 4) and also the LBTH CIL Viability Study Report which is a supporting document and is available upon request.
3. To delegate authority to the Corporate Director of Development and Renewal, in consultation with the Lead Members for Housing and Resources, to make editorial changes to the Preliminary Draft Charging Schedule where necessary, prior to the beginning of the consultation period.

7. A PROSPEROUS COMMUNITY

7.1 Main Stream Grants Programme 2012/15

This item was withdrawn from the agenda.

8. A SAFE AND COHESIVE COMMUNITY

Nil items.

9. A HEALTHY AND SUPPORTIVE COMMUNITY

9.1 Learning Disabilities Day Opportunities - Modernisation Programme

The public report was withdrawn. The Exempt/Confidential report was considered later on the agenda.

10. ONE TOWER HAMLETS

Nil items.

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

12. UNRESTRICTED REPORTS FOR INFORMATION

12.1 Exercise of Corporate Directors' Discretions

RESOLVED

1. To note the exercise of Corporate Directors' discretions as set out in Appendix 1.

13. EXCLUSION OF THE PRESS AND PUBLIC

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 3 October 2012) contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.
 - Agenda item 16.1. "Grounds maintenance services procurement" contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.
 - Agenda item 19.1. "Learning Disabilities Day Opportunities – Modernisation Programme" contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.
- (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 3 October 2012) contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.

- Agenda item 16.1. “Grounds maintenance services procurement” contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.
- Agenda item 19.1. “Learning Disabilities Day Opportunities – Modernisation Programme” contained information relating to the financial or business affairs of any particular person (including the authority holding that information). In particular information relating to the financial affairs of the Council.

that the public interest in maintaining the exemption on the information outweighed the public interest in disclosing it.

14. EXEMPT / CONFIDENTIAL MINUTES

The Exempt/Confidential minutes (Cabinet 3 October 2012) were presented for information.

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

16.1 Grounds maintenance services procurement

Report recommendations agreed.

17. A PROSPEROUS COMMUNITY

Nil items.

18. A SAFE AND COHESIVE COMMUNITY

Nil items.

19. A HEALTHY AND SUPPORTIVE COMMUNITY

19.1 Learning Disabilities Day Opportunities - Modernisation Programme

Special circumstances and reasons for urgency agreed.

Report recommendations amended and agreed.

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 7.17 p.m.

Chair, Mayor Lutfur Rahman
Cabinet