

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE CABINET

HELD AT 5.34 P.M. ON WEDNESDAY, 10 APRIL 2013

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

Members Present:

Mayor Lutfur Rahman	(Mayor)
Councillor Ohid Ahmed	(Deputy Mayor)
Councillor Rofique U Ahmed	(Cabinet Member for Regeneration)
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)

Other Councillors Present:

Councillor Kabir Ahmed	(Executive Advisor to the Mayor and Cabinet)
Councillor Peter Golds	(Leader of the Conservative Group)
Councillor Md. Maium Miah	(Advisor to the Mayor and Cabinet on Third Sector and Community Engagement)

Officers Present:

Robin Beattie	(Service Head, Strategy & Resources & Olympic Impact, Communities Localities & Culture)
Michael Bell	(Strategic Planning Manager, Development & Renewal)
Anne-Marie Berni	(Infrastructure Planning Manager, Planning & Building Control, Development & Renewal)
Anne Canning	(Interim Corporate Director Education Social Care and Wellbeing)
Colin Cormack	(Service Head Housing Options, Development & Renewal)
Aman Dalvi	(Corporate Director, Development & Renewal)
Sara Dilmamode	(Mayor Project Development, Planning)
Isabella Freeman	(Assistant Chief Executive - Legal Services, Chief Executive's)
Stephen Halsey	(Head of Paid Service and Corporate Director Communities, Localities & Culture)
Marissa Hernandez	(Strategic Planner, Strategic Planning, Development and Renewal)
Chris Holme	(Acting Corporate Director - Resources)
Numan Hussain	(Political Advisor to the Mayor, Executive Mayor's Office, Chief Executive's)
Ellie Kuper-Thomas	(Strategy, Policy and Performance Officer -

Paul Leeson	Executive Mayor's Office, One Tower Hamlets, Chief Executive's)
Martin Ling	(Finance Manager, Development & Renewal)
Niall McGowan	(Housing Policy Officer)
Murziline Parchment	(Housing Regeneration Manager)
	(Head of Executive Mayor's Office, Democratic Services, Chief Executive's)
Claire Symonds	(Service Head, Customer Access and ICT)
James Walsh	(Housing Regeneration Officer, Major Project Development, Development & Renewal)
Raju Miah	(Graduate, Corporate Communications)
Matthew Mannion	(Committee Services Manager, Democratic Services, Chief Executive's)

1. APOLOGIES FOR ABSENCE

RESOLVED

Apologies for absence were received on behalf of Councillor Oliur Rahman (Cabinet Member for Children's Services).

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

3. UNRESTRICTED MINUTES

The unrestricted minutes of the ordinary meeting of the Cabinet held on 13 March 2013 were presented for information.

4. PETITIONS

No petitions were received.

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 (OSC) provided an update on their meeting the previous evening. She reported on a number of issues that had been considered including:

- Two call-in reports on budget virements had been discussed and Members had expressed concern that the decisions went against the budget and policy framework and should also have been considered as Key Decisions. The decisions themselves had been referred back to the Mayor whilst OSC had requested reports be presented to Council on the budget and policy framework and Key Decision issues.

- A progress update on the Scrutiny Review of Children's Centres was considered and Members welcomed the progress that had been identified against the original recommendations. As part of this there was a discussion about vacancy management and the potential for the impact on frontline services.
- OSC also reviewed a report on the Electoral Commissions assessment of recent allegations of electoral fraud. Members were concerned that the Police investigation had been insufficient and that procedures needed to be reviewed.

The **Mayor** thanked Councillor Ann Jackson for the update and emphasised that the Council had robust procedures in place to deal with electoral fraud and that no fraud had been found to have occurred.

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

The Clerk advised that no requests had been received by the Assistant Chief Executive (Legal Services) to 'call-in' for further consideration, by the Overview and Scrutiny Committee, any provisional decisions taken by the Mayor in Cabinet, at the Cabinet meeting held on 13 March 2013.

6. A GREAT PLACE TO LIVE

6.1 The Lettings Policy 2013 and the Lettings Plan

Councillor Rabina Khan, Cabinet Member for Housing, introduced the report.

The **Mayor** agreed to amend the Allocations Scheme to reduce, instead of end, the Key Worker Scheme target from 25 to 15 and for officers to monitor this and to come back with comments for the 2014/15 Lettings Plan.

The **Mayor** noted a correction to the priority target information. Accordingly agreed to amend the target for Band 3 should be increased to 10% from 6%.

RESOLVED

1. To agree the Allocations Scheme 2013 set out in Appendix 1, with the Key Worker Scheme amendment above.
2. To agree the priority target groups set out in paragraph 11.3 of the report, with the Band 3 amendment above.
3. To consider the impact assessment in Appendix 2.

6.2 Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule

Councillor Rabina Khan, Cabinet Member for Housing, introduced the report. She highlighted a small amendment to a table on page 12 of Appendix A to Appendix 2 (Appendix A – Schedule of Infrastructure Projects), under Youth Facilities to remove the number 17 so that the cell reads “Provision of additional facilities”.

The **Mayor** thanked officers and the Cabinet Member for Housing for their work on the report.

RESOLVED

1. To approve the Tower Hamlets Community Infrastructure Levy (CIL) Draft Charging Schedule (Appendix 1) for a six week public consultation including the charging zone maps and Regulation 123 List (the list of projects Tower Hamlets intends to be able to spend its CIL receipts on).
2. To note the amended Infrastructure Planning and Funding Gap Report (Appendix 2) that forms part of the supporting evidence base to the Draft Charging Schedule. This document informs in respect of the infrastructure planning criteria Tower Hamlets must meet in order to implement a CIL Charging Schedule.
3. To note the Community Infrastructure Levy: Preliminary Draft Charging Schedule - Summary of Consultation Responses Report attached at (Appendix 3) that forms part of the supporting evidence base to the Draft Charging Schedule.
4. To note BNP Paribas Real Estate’s Viability Study that forms part of the supporting evidence for the Draft Charging Schedule.
5. To note the Cabinet report regarding the Planning Obligations SPD, running as a consecutive Agenda item, as relating to this report.
6. To authorise the Corporate Director of Development and Renewal, in consultation with the Lead Members for Housing and Resources, to make any minor modifications to the Draft Charging Schedule and supporting evidence following the public consultation and to submit the Draft Charging Schedule and all supporting evidence, together with any proposed modifications, to the Planning Inspectorate for public examination.

6.3 Revised Planning Obligations Supplementary Planning Document (SPD)

Councillor Rabina Khan, Cabinet Member for Housing, introduced the report.

The **Mayor** noted Members concerns about the need for more school places and car parking spaces. The **Mayor** approved the recommendations in the report.

RESOLVED

1. To approve the Revised Planning Obligations Supplementary Planning Document, as set out in Appendix 1, for a six week consultation period to align with the consultation period of the CIL Draft Charging Schedule as per a separate Cabinet report on the agenda.
2. 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 Revised Planning Obligations Supplementary Planning Document where necessary, prior to the beginning of the consultation period.

6.4 Affordable Housing Supplementary Planning Document (DPD)

The **Mayor** agreed the recommendations as set out in the report along with an additional recommendation to endorse the Managing Development DPD included in the **tabled** Appendices.

RESOLVED

1. To approve the draft Affordable Housing Supplementary Planning Document (AHSPD) for statutory public consultation.
2. To authorise the Corporate Director of Development and Renewal to make any necessary factual or minor editing changes to the draft AHSPD prior to the start of statutory public consultation.
3. To endorse the Managing Development DPD, as proposed to be modified, that will be presented to Council for adoption on 17 April 2013.

6.5 Bow Bridge Estates (Poplar HARCA): updated CPO Resolution)

Councillor Rabina Khan, Cabinet Member for Housing, introduced the report.

The **Mayor** agreed the recommendations as set out in the report.

RESOLVED

1. To note that it is necessary to update the previous Cabinet Resolution (7th November 2007) which authorised a series of precautionary CPOs including specific land interests on Poplar HARCA's Bow Bridge Estate, to reflect variations in the land interests to be acquired since the previous approval, as explained in the report.

2. To delegate to the Corporate Director of Development and Renewal, together with the Assistant Chief Executive, after consultation with the Mayor and Cabinet Member for Housing power 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 with regard to 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,
3. 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:-
 - 3.1. 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.
 - 3.2. Acquiring all interests in land and new interests identified through the referencing process within the CPO boundary shown at Appendix 2 either by private agreement or compulsorily
 - 3.3. 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;
 - 3.4. 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.
 - 3.5. 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.
 - 3.6. Referral and conduct of disputes relating to compulsory purchase compensation at the Upper Tribunal (Lands Chamber)

- 3.7. Transfer of any land interests compulsorily acquired by the Council under the terms described in Recommendations 2 and 3 above to Poplar HARCA, once vacant possession is achieved.
4. To determine that the use of CPO powers is exercised where this is recommended in the report after balancing the rights of individual property owners with the requirement to obtain vacant possession of the site.
5. 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.
6. To note that all costs incurred by the council, to manage and deliver CPO processes will be reimbursed by Poplar HARCA.

6.6 Older Persons Housing Statement

Councillor Rabina Khan, Cabinet Member for Housing, introduced the report. She noted a minor change to Paragraph 5.38 of Appendix 1 in that Gateway Housing were proposing to provide 18 rather than 20 shared ownership units.

The **Mayor** agreed the recommendations as set out in the report.

RESOLVED

1. To approve the Older Persons Housing Statement attached at Appendix 1
2. To approve Older Persons Housing Statement Action Plan attached at Appendix 2

6.7 Queen Elizabeth Olympic Park Bye-laws

The **Mayor** agreed the recommendations as set out in the report.

RESOLVED

1. To consider the two sets of byelaws for Queen Elizabeth II Olympic Park which are set out in Appendix 1 and 2 and agree that it may go forward to full council for these to be made.

6.8 Communities, Localities & Culture Directorate Capital Programme 2013/14

The **Mayor** agreed the recommendations as set out in the report.

RESOLVED

1. To include the schemes listed in Appendix A to the report within the Communities, Localities & Cultural Services Directorate's 2013/2014 Capital Programme.
2. To adopt Capital Estimates (sum specified in estimated scheme cost column) for the schemes as outlined in Appendix A to the report.
3. To agree that where possible the Council's Measured Term Contracts be used for the implementation of the Transport and Highways Works as appropriate.
4. To agree that where possible the landscape improvement works be let under the terms of the Landscape Framework Agreement for implementation as appropriate.

7. A PROSPEROUS COMMUNITY

7.1 Children Schools and Families Capital Programme

Anne Canning, Interim Corporate Director for Education, Social Care and Wellbeing, introduced the report. In particular she highlighted the £1.3 million grant to fund the statutory requirement to provide free early education for eligible two-year olds. She also reported on the challenge in meeting the demand for school places including on the negotiations with schools to increase spaces.

The **Mayor** agreed the recommendations as set out in the report.

RESOLVED

1. To note the contents of this report and specifically the predicted out-turn for the 2012/13 CSF Programme (detailed in Appendix A) and proposed allocation of the funding available in 2013/14(as detailed in Appendix B);
2. To approve the adoption of capital estimates for 2013/14 capital condition and improvement programme schemes as shown in Appendix C and authorise expenditure (paragraph 6.9);
3. To note the completion of the Primary Capital Programme (PCP) schemes as shown in Appendix D (paragraph 6.11);

4. To note the existing approved Primary School Expansion Programme as detailed in Appendix E (paragraph 6.13);
5. To approve the revised capital estimate of £7.16m for the works at Marnier Primary School to be funded from the uncommitted funds within the CSF capital programme (paragraph 6.14);
6. To approve the revised capital estimates of £4.80m for the works at Arnhem Wharf Primary School to be funded from the uncommitted funds within the CSF capital programme (paragraph 6.16);
7. To approve the adoption of a capital estimate of £400,000 for the costs of providing additional short term accommodation if required for additional pupils until major works have been carried out to provide permanent additional school places and authorise expenditure (paragraph 6.20);
8. To approve the adoption of a capital estimate of £500,000 to cover the costs of developing proposals to be considered for inclusion in the capital programme and authorise expenditure (paragraph 6.22);
9. To approve the adoption of £1.3m grant to fund capital works to provide the places required to meet the statutory entitlement for free early education for eligible two year olds from 1st September 2013 (paragraph 6.24);
10. To approve the adoption of £126,348.87 to renovate the Youth Services One Stop Shop, based at 150 Burdett Road to be funded from the 2012/13 Short Breaks Capital grant. (paragraph 6.32);
11. To agree that the Director of Education, Social Care and Wellbeing (ESCW), in respect of all proposed tenders referred in this report, in consultation with the Assistant Chief Executive (Legal Services), is authorised to accept tenders for projects within the approved programmes and capital estimate and to award the necessary contracts and the Assistant Chief Executive (Legal Services), is authorised to enter into all necessary documents to implement this decision ;
12. To agree that any scheme exceeding the approved budget, the Director of ESCW is authorised to prepare and carry out a Bill of Reductions where relevant to ensure expenditure is contained within the agreed costs.

7.2 Holy Family and Our Lady's Schools - Proposed Amalgamation

Anne Canning, Interim Corporate Director for Education, Social Care and Wellbeing, introduced the report.

The **Mayor** agreed the recommendations in the report.

RESOLVED

1. Note the contents of this report;
2. Note that Our Lady & St Joseph's School is planned to open in September 2014 following the amalgamation of the two existing primary schools.

7.3 Bow School - Proposals for September 2014

Anne Canning, Interim Corporate Director for Education, Social Care and Wellbeing, introduced the report. She discussed the issue of gender balance at mixed schools but reported that officers expected this proposal would improve the options in Bow and have a minimum impact elsewhere.

The **Mayor** asked for details on the timetable for opening the new school buildings and stated he wanted this to be completed by March 2014. He agreed the recommendations as set out in the report.

RESOLVED

1. To note the contents of this report;
2. To agree that statutory proposals should be published for Bow School for the proposed enlargement and change of character to admit boys and girls from September 2014;
3. To agree that the transitional admission arrangements described in paragraph 6.17.4 should operate for admissions to the school for the four years from September 2014.

8. A SAFE AND COHESIVE COMMUNITY

Nil items.

9. A HEALTHY AND SUPPORTIVE COMMUNITY**9.1 Adult Social Care Local Account (April 2011 – Dec 2012)**

Councillor Abdul Asad, Cabinet Member for Health and Wellbeing, introduced the report. He noted the achievements of the Social Care service and its priorities for 2014. He welcomed the last Care Quality Commission inspection good report into the quality and standard of the Council's Adult Services.

The **Mayor** welcomed the report and inspection result and agreed the recommendation as set out in the report.

RESOLVED

1. To note the attached Local Account.

10. ONE TOWER HAMLETS

Nil items.

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

12. UNRESTRICTED REPORTS FOR INFORMATION

Nil items.

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” – 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
 - Agenda item 16.1. “Ocean Estate Retail Units” 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” – 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
- Agenda item 16.1. “Ocean Estate Retail Units” 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 of the Cabinet meeting held on 13 March 2013 were **tabled** 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 Ocean Estate Retail Units

The recommendations in the report were **agreed** subject to a minor amendment.

17. A PROSPEROUS COMMUNITY

Nil items.

18. A SAFE AND COHESIVE COMMUNITY

Nil items.

19. A HEALTHY AND SUPPORTIVE 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 6.22 p.m.

Chair, Mayor Lutfur Rahman
Cabinet