

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE CABINET

HELD AT 5.34 P.M. ON WEDNESDAY, 29 JANUARY 2020

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

Members Present:

Mayor John Biggs	
Councillor Rachel Blake	(Deputy Mayor and Cabinet Member for Planning, Air Quality and Tackling Poverty)
Councillor Asma Begum	(Deputy Mayor and Cabinet Member for Community Safety and Equalities)
Councillor Sabina Akhtar	(Cabinet Member for Culture, Arts and Brexit)
Councillor Amina Ali	(Cabinet Member for Adults, Health and Wellbeing)
Councillor David Edgar	(Cabinet Member for Environment)
Councillor Danny Hassell	(Cabinet Member for Children, Schools and Young People)
Councillor Candida Ronald	(Cabinet Member for Resources and the Voluntary Sector)
Councillor Motin Uz-Zaman	(Cabinet Member for Work and Economic Growth)

Other Councillors Present:

Councillor Peter Golds	
Councillor James King	
Councillor Dan Tomlinson	(Mayoral Advisor for Highways and Public Realm)
Councillor Andrew Wood	(Leader of the Conservative Group)

Apologies:

Councillor Sirajul Islam	(Statutory Deputy Mayor and Cabinet Member for Housing)
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Officers Present:

Kevin Bartle	Interim Divisional Director of Finance, Procurement and Audit
Stephen Bramah	(Deputy Head of the Mayor's office)
Paul Buckenham	(Development Manager, Planning Services, Place)
Anthony Harris	Commissioning Manager
Chris Harrison	Liveable Streets Technical Director
Rafiqul Hoque	Head of Housing Options
Dan Jones	(Divisional Director, Public Realm)
Debbie Jones	(Corporate Director, Children and Culture)
Christine McInnes	(Divisional Director, Education and Partnership, Children's)
Neville Murton	Corporate Director of Resources

Denise Radley	(Corporate Director, Health, Adults & Community)
Sripriya Sudhakar	(Place Shaping Team Leader, Place)
Karen Swift	Divisional Director Housing & Regeneration
Will Tuckley	(Chief Executive)
Richard Williams	Business Manager Operational PR
James Scott	Communications Officer
Matthew Mannion	(Head of Democratic Services, Governance)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Sirajul Islam – Statutory Deputy Mayor and Cabinet Member for Housing.
- Ann Sutcliffe – Corporate Director, Place for whom Karen Swift (Divisional Director, Housing and Regeneration) was deputising.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no Declarations of Disclosable Pecuniary Interest. However, Councillor Motin Uz-Zaman noted for transparency that his child attended one of the schools referred to in Agenda Item 6.3 (Proposal to Consult on the Amalgamation of Smithy and Redlands Primary Schools).

3. UNRESTRICTED MINUTES

RESOLVED

1. That the unrestricted minutes of the Cabinet meeting held on 8 January 2020 be approved and signed by the Chair as a correct record subject to the addition of Councillor Peter Golds to the attendance list.

4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR

The **Mayor** noted that the United Kingdom was due to leave the European Union on 31 January 2020 and he explained that the Council was working to mitigate any impact on the Borough. In particular, and in keeping with the Borough's long standing welcome for new immigrants, he encouraged EU citizens to apply for 'settled status' to stay.

He also welcomed the decision of the last Council meeting expressing concern at the recent action of the Secretary of State to overturn the Planning Inspectors view that the Westferry application should have been rejected.

5. OVERVIEW & SCRUTINY COMMITTEE

5.1 Chair's Advice of Key Issues or Questions

Pre-Decision Scrutiny Questions were received in relation to the following agenda items:

- 6.1 Bethnal Green Liveable Streets consultation outcome report

- 6.2 Outcome of statutory proposal to close Raines School
- 6.4 Proposal to merge St Anne's and Guardian Angels School
- 6.6 Adoption of Fixed Penalty Notices for Fly-Tipping
- 6.7 Local Government and Social Care Ombudsman Determination of Outcome report
- 6.9 Tower Hamlets approach to regeneration

The questions, and officer responses, were considered during discussion of each individual item.

In addition, Councillor James King, Chair of the Overview and Scrutiny Committee, provided an update from their Committee meeting earlier in the week. He reported on a number of issues they had discussed including:

- On how the Council handled complaints in particular in response to reports from the Local Government and Social Care Ombudsman.
- A spotlight session with the Borough Commander discussing issues such as neighbourhood policing, domestic violence and 'county lines' drug issues.
- An update on the Council's new Waste Contract including progress on new fleet delivery and learning lessons from other authorities.

Finally, he noted that the Committee had prepared their response to the Mayor's draft budget which also looked at recommendations for improving the process for drafting future budgets.

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

Nil items.

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 Liveable Streets Bethnal Green consultation outcome report

The **Mayor** introduced the report on proposed liveable streets changes in the Bethnal Green area. He noted the consultation exercises that had taken place and the process for introducing street changes, including how they could be amended and/or withdrawn if necessary.

He welcomed the report as an important contribution to improving air quality and encouraging healthy neighbourhoods. He noted the Pre-decision Scrutiny Questions and officer responses.

The meeting heard from a number of residents who, whilst often welcoming the general proposals had concerns over issues such as:

- The impact on those with disabilities or mobility needs and questions as to whether the Equalities impact had been properly assessed.
- The long diversions which would be necessary for car journeys.
- Whether road closures had to be 24hr or whether they could be timed.
- Whether road closures were in the right places.

- Concerns that the consultation had not reached enough, or the right, people.
- The need to design street changes correctly to ensure they did not encourage anti-social behaviour.
- The impact on shops and the street market and the possibility of timed delivery periods.

During discussion officers confirmed that equalities information was correct and available to view.

It was also noted that there was still a consultation exercise to take place for one potential road closure and it was noted that generally technical discussions could take place where the Mayor felt it appropriate but that changes in one area could have a significant knock-on impact elsewhere.

The meeting also heard from Councillor Dan Tomlinson, Mayoral Advisor on Highways and the Public Realm on the benefits of the scheme and the impact that poor air quality was having in the borough, in particular on children. He also reported that a lot of support had been seen through the consultation exercises.

The **Mayor** welcomed the report and the overall Liveable Streets project. However, he acknowledged concerns raised and agreed to explore further technical details around issues raised at the meeting and amended Recommendation 2 to add the issues to examine. He then **agreed** the recommendations as amended.

RESOLVED

1. To note the results of the engagement to date and public consultation of Bethnal Green Liveable Streets.
2. To approve the final scheme design for the Bethnal Green area as part of the Liveable Streets programme (Appendix B to the report) but following representations received, to explore further technical details around the design without fundamentally re-visiting the proposals:
 - A. Ensuring further consultation on the Jesus Hospital Estate and include the possibility of using Automatic Number Plate Recognition (ANPR) cameras.
 - B. Noting that at the next stage there would be engagement with residents generally to co-design environmental improvements where these are part of Liveable Streets.
 - C. Noting the proposed planned Bethnal Green Road improvements around the market area which is not part of the Liveable Streets programme.
 - D. Noting the need to implement new open spaces effectively taking into account their location/environment.

- E. Noting comments in respect of need to continue to engage emergency services in developing the plans.
 - F. Noting the plans were being implemented through a series of Experimental Traffic Management Orders.
 - G. Noting concerns around wayfinding for pedestrians.
 - H. The need to ensure comprehensive consideration of disability issues on the design of the various features.
 - I. To explore the design of the closures on Old Bethnal Green Road at the junctions of Teesdale Street, Canroberts Street to ensure they are correct including considering the potential for timed closures
 - J. To consider the management of the closure of Warner place and Squirries Street as part of the planned phase design of the scheme including considering the potential for timed closures.
3. To approve the use of using existing frameworks or term contracts to award an order up to a value of £2.7million for the completion of the works.

6.2 Report on the outcome of public representations received in response to the statutory proposal to close Raines Church of England Foundation School

Councillor Danny Hassell, Cabinet Member for Children, Schools and Young People, introduced the report. He reminded Members of the previous reports on the subject that had been received at Cabinet in respect of the potential closure of the school.

This report followed the statutory consultation period and was recommending closure of the school. He confirmed that there were no suitable alternative options available. He also agreed to look at any ideas for how to improve the process for any future processes.

The **Mayor** noted the Pre-Decision Scrutiny Questions and officer responses. He acknowledged that this was not an easy process for parents and children but that the recommendation was the only appropriate one in the circumstances. He confirmed that there were plans to try and retain the name Raines in connection with education in the borough. He thanked officers for their work and **agreed** the recommendation as set out.

RESOLVED

1. That having considered all of the supporting documentation: particularly, the statutory notice set out at Appendix 1; the comments and objections raised by the eight respondents at Appendix 2; the Equalities Assessment (EA) at Appendix 3; and the report on the alternative options set out in Appendix 4, the proposal, presented by the Local Authority and London Diocesan Board, to close Raine's Foundation School with effect from the 31st August 2020 be approved.

6.3 Proposal to consult on the amalgamation of Smithy and Redlands Primary Schools

Councillor Danny Hassell, Cabinet Member for Children, Schools and Young People, introduced the report on proposals to consult on the amalgamation of Smithy and Redlands Primary Schools. He explained that an informal consultation had taken place and that the proposal was to create one combined school on the site shared by the existing schools.

The **Mayor** noted the apparent broad support for the proposal and **agreed** the recommendations as set out.

RESOLVED

1. To note the outcome of the pre-statutory consultation on the proposals to close Smithy Street Primary School with the displaced pupils being accommodated by Redlands Primary School as set out in Section 6 of the report; and
2. To agree to proceed to commence a four week statutory consultation on the proposal to close Smithy Street Primary School with the displaced pupils being accommodated by Redlands Primary School from September 2020.

6.4 Report on the Proposal to consult on the amalgamation of Guardian Angels and St Anne's Primary Schools

The Reasons for Urgency were agreed as set out in the report.

Councillor Danny Hassell, Cabinet Member for Children, Schools and Young People, introduced the report on proposals to consult on the amalgamation of Guardian Angels and St Anne's Primary Schools. He noted that this proposal would create one combined school on the St Anne's school site to create one financially viable school. He noted that the proposal would not force parents to take places at the new school.

There were suggestions that there was support but also some concerns about the proposals which could be explored in the consultation exercise.

The **Mayor** noted the pre-decision scrutiny questions and officer responses. He **agreed** the recommendations to proceed to the statutory consultation on the proposals.

RESOLVED

1. To note the outcome of the pre-statutory consultation on the proposals to close Guardian Angels Primary School with the displaced pupils being accommodated by St Anne's Primary School as set out in the report; and

2. To agree to proceed to commence a four-week statutory consultation on the proposal to close Guardian Angels Primary School with the displaced pupils being accommodated by St Anne's Primary School from September 2020.

6.5 The Council's Draft 2020-21 Budget Report and Medium Term Financial Strategy 2020-23

Councillor Candida Ronald, Cabinet Member for Resources and the Voluntary Sector, introduced the proposed budget proposals and medium term financial plan. She took Members through the main sections of the report and some of the particular challenges being faced by the Council such as those around SEN Transport and support for vulnerable children and adults. She also noted that the Housing Revenue Account was in surplus.

She noted that, due to the need to meet these challenges with reduced government funding, the budget proposed increasing Council Tax by 1.99% with an additional 2% social care precept. She also highlighted that the Council Tax Reduction Scheme was unamended.

The **Mayor** welcomed the report and thanked Lead Members and officers for their hard work to put the report together. He noted the Overview and Scrutiny budget response and agreed to provide comment on the process observations outside of the meeting. In response to questions on the speed of capital expenditure he proposed that Overview and Scrutiny explore that issue.

He noted that the report would now be presented to Council for final determination and on that basis **agreed** the recommendations as set out.

RESOLVED

1. To approve a General Fund Revenue Funding Requirement of £354.496m subject to any changes arising from the final Local Government Finance Settlement.
2. To propose a Band D Council Tax of £1,060.35 for 2020-21 to be referred to Full Council for consideration.
3. To authorise the Corporate Director Resources after consultation with the Mayor and Lead Member of Resources to make any changes required to the budget following the final settlement announcement.
4. To approve the provisional Capital Programme for the period 2020-23; as detailed in Appendix 8 and adopt the associated capital estimates.
5. To approve the 2020-21 Housing Revenue Account budget as set out in Appendix 7.

6. To approve the 2020-21 Management Fee payable to Tower Hamlets Homes (THH) of £32.415m as set out in Table 5.
7. To note that under the Management Agreement between the Council and THH, THH manages delegated income and expenditure budgets on behalf of the Council. In 2020-21, THH will manage delegated income budgets totalling £93.792m and delegated expenditure budgets totalling £93.465m.
8. To approve the 2020-21 Dedicated Schools Budget.
9. To agree that the National Schools Funding Formula (NSFF) adopted by Tower Hamlets in 2019-20 continues for 2020-21. The only changes are increases to the factor values in line with the NSFF.
10. To agree that the Minimum Funding Guarantee (the mechanism that guarantees schools a minimum uplift in per-pupil funding) is set at 1.84%, the maximum allowed.
11. To agree that the structure of the Early Years Funding Formula remains unchanged except that hourly rates will increase in line with the Early Years National Funding Formula.
12. To propose that Council approves no changes to the current Local Council Tax Reduction Scheme for 2020-21.
13. To note the Equalities Impact Assessment and specific equalities considerations as set out in Section 4.

6.6 Adoption of fixed penalty notices for fly-tipping

Councillor David Edgar, Cabinet Member for Environment, introduced the report. He explained how fly tipping was increasing and the existing deterrents were not working effectively. He proposed the Council adopt fixed penalty notices for fly-tipping offences.

The **Mayor** noted the pre-decision scrutiny questions and officer responses. He welcomed the report and the efforts that would be undertaken to publicise the changes. He also confirmed he would encourage the government to look at providing increased powers to tackling dumping by landlords. He **agreed** the recommendations as set out.

RESOLVED

1. To adopt the power to charge a Fixed Penalty Notice (FPN) amount of £400 for fly-tipping offences with no early payment discount.
2. To delegate authority to the Director of Place to authorise appropriate officers to issue fixed penalty notices (FPNs), under section 33ZA of

the Environmental Protection Act 1990 (EPA), to persons whom the officer has reason to believe have committed fly tipping offence.

6.7 Local Government and Social Care Ombudsman, Determination of Outcome

The **Mayor** introduced the report noting the results of a Determination of Outcome report from the Local Government and Social Care Ombudsman. He noted where the Council had fallen short and the actions that were being undertaken to correct that. He noted concerns about ensuring issues be dealt with before they reached the Ombudsman. It was noted that there would be an action plan on improvements and that Overview and Scrutiny would be looking at that.

Will Tuckley, Chief Executive, addressed the meeting to apologise on behalf of the Council for what had happened and the suffering of the individual concerned. He confirmed the Council was always vigilant on potential weaknesses and undertook work such as the recent Peer Review to identify possibilities for improvement.

The **Mayor** noted the challenges that needed tackling and **agreed** the recommendations as set out.

RESOLVED

1. To note the content of the Report.
2. To note the action taken in Housing Options service to remedy the situation.

6.8 Child and Adolescent Mental Health Service (CAMHS) s75

Councillor Danny Hassell, Cabinet Member for Children, Schools and Young People, introduced the report on proposals to consolidate Mental Health Service contracts to better enable the Council to hold the provider to account and to identify improvement options.

The **Mayor** welcomed the report and **agreed** the recommendations as set out.

RESOLVED

1. To approve the implementation of the integrated CAMHS Section 75 from 1st April 2020, on a three year basis (1+1+1).
2. To delegate to the Corporate Director Children and Culture authority to sign a written agreement for the S.75 Agreement on behalf of the council, and sign any amendments that may be required to the agreement over the life of the contract.

3. To authorise extending financial payment, via a S.75 from Tower Hamlets council to Tower Hamlets CCG from £424,000 per annum up to £1,229,800 per annum for 3 years (£3,689,400) between April 2020 to March 2023.
4. To note potential option to transfer LBTH staff members to the provider.
5. To note the contract approach and timelines outlined in the report.

6.9 Tower Hamlets Approach to Regeneration

The **Mayor** introduced the report setting out the Council's approach to regeneration. He noted the need to be ambitious and, where appropriate, to learn from experiences in other boroughs. He noted the Pre-Decision Scrutiny Questions and officer responses and noted the updated report and appendix presented.

He **agreed** the recommendations as set out in the updated report.

RESOLVED

1. To agree the report regarding the proposed approach to regeneration.
2. To agree to publish a webpage titled 'Approach to Regeneration in Tower Hamlets', based on Appendix 1, on the Council website after formal adoption in Feb 2020.
3. To note the specific equalities considerations as set out in Paragraph 4.1-4.3.

6.10 Adoption of Article 4 directions for the removal of permitted development rights for the change of use from town centre uses to residential (C3) and the change of use from dwellinghouses (C3) to small houses in multiple occupations (C4)

During discussion of this item the **Mayor agreed** to suspend Procedure Rule 5 to extend the meeting to allow discussion of this item to be concluded.

The **Mayor** introduced the report confirming Article 4 directions to remove certain permitted development rights. He welcomed the proposals as a means of protecting the character of the area. He **agreed** the recommendations as set out.

RESOLVED

1. To confirm the Article 4 direction which removes permitted development rights allowing the conversion of retail (class A1), financial and professional services (class A2) and specified town centre uses (Betting Offices and Payday Loan shops) to residential (class C3).

2. To confirm the Article 4 direction removing permitted development rights allowing the conversion of dwellinghouses (class C3) to small houses in multiple occupation (class C4).
3. To note that if confirmed, the Article 4 directions will come into effect a year after its confirmation by the Cabinet.
4. To confirm that the discretionary fee for planning applications for changes of use that are subject to the proposed Article 4 directions be set at the same level as the equivalent statutory fee.

7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

8. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

9. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

10. OVERVIEW & SCRUTINY COMMITTEE

10.1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business

Nil items.

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

Nil items.

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

Nil items.

The meeting ended at 8.35 p.m.

MAYOR JOHN BIGGS