

Report – Policy and Resources Committee

Report of Urgent Action Taken: Indemnities for Officers Serving on Outside Bodies

To be presented on Thursday, 10th March 2022

To the Right Honourable The Lord Mayor, Aldermen and Commons of the City of London in Common Council assembled.

SUMMARY OF ACTION TAKEN

1. The Directors of Barking Power Limited (BPL) were asked to sign the S.106 Agreement in respect of the Barking Reach Power Station Site, in order to secure the planning permission for a consolidated market.
2. The BPL Board resolved to sign the S.106 Agreement “on the basis that the City will fully indemnify the Company and its directors for all obligations, liabilities, costs and actions arising from the S106”.
3. On 9 June 2011, the Court of Common Council had considered a report recommending that the City Corporation provide an Indemnity for Members and officers in respect of ex-officio appointments formally approved by the City Corporation, as set out in that report. The Minute of that meeting records that the report was read and agreed to but only makes specific reference to Members serving on outside bodies being indemnified (not officers).
4. Confirmation was, therefore, sought that the 9 June 2011 resolution extended to provision of an Indemnity for officers, such that the BPL Directors are indemnified for all obligations arising from the S106. This would enable the S.106 Agreement to be completed and the planning permission for the consolidated market to be issued.
5. The matter was approved by your Policy and Resources Committee under urgency before consideration by the Court of Common Council, also under urgency procedures.
6. Urgent consideration was required to enable the Directors of Barking Power Limited (BPL) to sign the S.106 Agreement in connection with the redevelopment of Barking Reach Power Station site for a consolidated market. The LB Barking and Dagenham committee decision to grant planning permission subject to the S.106 Agreement was made in March 2021 and LB Barking and Dagenham were expecting imminent completion of the S.106 Agreement. The deadline for completion after which a refusal would normally be issued had expired and been extended several times. There was also a risk that the planning application would require fresh consideration if planning policies or other relevant circumstances

changed between the March 2021 committee decision and the issue of the permission. Local and regional planning policies are evolving and proposals for nearby sites which could affect cumulative traffic impacts are in preparation. The deadline delay therefore presented a risk to the ability to secure the permission.

RECOMMENDATION

7. We **recommend** that the action taken be noted.

All of which we submit to the judgement of this Honourable Court.

DATED this 25th day of January 2022.

SIGNED on behalf of the Committee.

Deputy Catherine McGuinness
Chair, Policy and Resources Committee