

Meeting of the

CABINET

Wednesday, 3 October 2012 at 5.30 p.m.

AGENDA – SECTION ONE

VENUE

Committee Room, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Members:

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

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

Matthew Mannion, Democratic Services,

Tel: 020 7364 4651, E-mail: matthew.mannion@towerhamlets.gov.uk



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LONDON BOROUGH OF TOWER HAMLETS

CABINET

WEDNESDAY, 3 OCTOBER 2012

5.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

PUBLIC QUESTION AND ANSWER SESSION

There will be an opportunity (up to 15 minutes) for members of the public to put questions to Cabinet members before the Cabinet commences its consideration of the substantive business set out in the agenda.

Questions can be submitted in advance to the Town Hall or be asked on the evening.

Send any questions to Matthew Mannion, Democratic Services, Town Hall, Mulberry Place, Poplar, E14 2BG or email matthew.mannion@towerhamlets.gov.uk by 5pm Wednesday, [Insert Date].

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

3. UNRESTRICTED MINUTES

PAGE NUMBER	WARD(S) AFFECTED
5 - 16	

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Cabinet held on Wednesday 5 September 2012.

4. DEPUTATIONS & PETITIONS

To receive any deputations or petitions.

5. OVERVIEW & SCRUTINY COMMITTEE

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

To receive any advice of key issues or questions in relation to the unrestricted business to be considered, arising from the meeting of the Overview and Scrutiny Committee held on 2 October 2012.

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

(Under provisions of Article 6 Para 6.02 V of the Constitution).

Nil items.

UNRESTRICTED REPORTS FOR CONSIDERATION

6. A GREAT PLACE TO LIVE

6.1	Review of Tower Hamlets Art Work (to follow)		All Wards
6.2	Thames Tideway Tunnel - Update and Response to Section 48 Publicity Notice	17 - 90	Bromley-By-Bow; East India & Lansbury; Limehouse; Millwall; Shadwell; St Katharine's & Wapping
6.3	Buildings for Faith Based Activities Initiative	91 - 106	All Wards
6.4	Asset Management & Value for Money - Report of the Scrutiny Working Group	107 - 128	All Wards

7. A PROSPEROUS COMMUNITY

7.1	Children and Families Plan 2012 - 2015	129 - 182	All Wards
7.2	Mayor's Strategic MSG Programme (to follow)		All Wards

8. A SAFE AND COHESIVE COMMUNITY

8.1	Enforcement Policy	183 - 284	All Wards
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9. A HEALTHY AND SUPPORTIVE COMMUNITY

9.1	Learning Disabilities Day Opportunities - Modernisation Programme	285 - 374	All Wards
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10. ONE TOWER HAMLETS

10.1	Reviewing how the Arts and Events team, promote the principles of One Tower Hamlets. In particular, how arts and events strengthen community cohesion and build community leadership	375 - 388	All Wards
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**11. ANY OTHER UNRESTRICTED BUSINESS
CONSIDERED TO BE URGENT**

**12. UNRESTRICTED REPORTS FOR
INFORMATION**

12 .1 Exercise of Corporate Directors' Discretions **389 - 394** **All Wards**

13. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda, the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the Press and Public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government, Act 1972”.

EXEMPT/CONFIDENTIAL SECTION (PINK)

The Exempt / Confidential (Pink) Committee papers in the Agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

**PAGE
NUMBER** **WARD(S)
AFFECTED**

14. EXEMPT / CONFIDENTIAL MINUTES

To confirm as a correct record of the proceedings the exempt / confidential minutes of the ordinary meeting of the Cabinet held on Wednesday 5 September 2012.

15. OVERVIEW & SCRUTINY COMMITTEE

**15 .1 Chair's advice of Key Issues or Questions in relation to
Exempt / Confidential Business to be considered.**

**15 .2 Any Exempt / Confidential Decisions "Called in" by the
Overview & Scrutiny Committee**

(Under provisions of Article 6 Para 6.02 V of the Constitution).

Nil items.

EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION

16. A GREAT PLACE TO LIVE

Nil items.

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**

**22. EXEMPT / CONFIDENTIAL REPORTS FOR
INFORMATION**

SCRUTINY PROCESS

The Overview and Scrutiny Committee, at its meeting on **Tuesday 6 November 2012** may scrutinise provisional decisions made in respect of any of the reports attached, if it is "called in" by **five** or more Councillors except where the decision involves a recommendation to full Council.

The deadline for "Call-in" is: Friday 12 October 2012 **(5.00 p.m.)**

Councillors wishing to "call-in" a provisional decision, or members of the public wishing to submit a deputation request, should contact: **John Williams**
Service Head Democratic Services:
020 7364 4205

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or
John Williams, Service Head, Democratic Services, 020 7364 4204

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE CABINET

HELD AT 5.40 P.M. ON WEDNESDAY, 5 SEPTEMBER 2012

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

Members Present:

Mayor Lutfur Rahman (Mayor)	(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 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 Kabir Ahmed	(Executive Advisor to the Mayor and Cabinet)
Councillor Ann Jackson	(Chair, Overview & Scrutiny Committee)

Officers Present:

Kevin Kewin	– (Service Manager, Strategy & Performance, Chief Executive's)
Chris Holme	– (Service Head Resources and Economic Development, Development & Renewal)
Alison Thomas	– (Acting Joint Service Head, Strategy Innovation and Sustainability, Development & Renewal)
Paul Leeson	– (Finance Manager, Development & Renewal)
Ann Sutcliffe	– (Service Head Building Strategic Property and Capital Delivery, Development & Renewal)
Deborah Cohen	– (Service Head, Commissioning and Strategy, Adults Health and Wellbeing)
Katherine Ball	– (Senior Accountant, Development & Renewal)
Sarah Barr	– (Senior Strategy Policy and Performance Officer, One Tower Hamlets, Chief Executive's)
Ellie Kuper-Thomas	– (Strategy, Policy and Performance Officer - Executive Mayor's Office, One Tower Hamlets, Chief Executive's)
Martin Ling	– (Housing Policy Officer)
Susan Mulligan	– (Communications Advisor)
Shamima Khatun	– (Graduate Management Trainee)

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1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Ohid Ahmed (Deputy Mayor)
- Councillor Shafiqul Haque (Cabinet Member for Jobs and Skills)
- Stephen Halsey (Corporate Director Communities, Localities and Culture) for whom Andy Bamber (Service Head Community Service) was deputising.
- Robin Beattie (Service Head Strategy and Resources)

Noted.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

3. UNRESTRICTED MINUTES

The unrestricted minutes of the ordinary meeting of the Cabinet held on 25 July 2012 were **Tabled** for information.

4. PETITIONS

The clerk advised that the Assistant Chief Executive (Legal Services) had received no requests for 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

Councillor Ann Jackson, Chair of the Overview and Scrutiny Committee (OSC), addressed the Mayor and members of the Cabinet. She reported that OSC had received a number of reports and in particular highlighted that:

- Members welcomed the new look Enforcement report and were keen to further examine the context to the activity and how success was measured.
- More information had been requested relating to reports on noise abatement and electoral fraud.
- OSC had highlighted the importance of increasing the gender balance amongst managers and were keen to view data on the Work Programme performance once available.
- A report had been received updating Members on the Supporting New Communities Scrutiny Review which amongst other things had

highlighted good work done by Tower Hamlets Homes in understanding why there were rent arrears problems in the Somali Community and how they tackled this issue.

The **Mayor** thanked Councillor Jackson for her presentation and in particular highlighted his own determination to see an increase in female and BME staff and managers.

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 25 July 2012.

6. A GREAT PLACE TO LIVE

6.1 Tenancy Strategy (CAB 023/123)

During the introduction, officers reported a number of minor drafting errors in the report. Namely that the existing paragraphs 15.1, 16.1 and 18.1 should be replaced with the following:

- 15.1 There are no specific Sustainable Action for a Greener Environment Implications.
- 16.1 There are no Risk Management implications in the consultation over the draft Tenancy Strategy.
- 18.1 There are no efficiency implications in the consultation over the Draft Tenancy Strategy.

Cabinet Members encouraged residents to submit comments during the consultation period and also noted the concurrent consultation with the Mayor of London.

The **Mayor** noted the questions raised by the Overview and Scrutiny Committee, the need for clear processes around ten year tenancies and that an Equalities Impact Assessment had been produced.

Decisions

1. To agree the draft tenancy strategy attached at Appendix B for consultation.
2. To agree the consultation process set out at 7.0 in the report which includes details of the statutory consultation required.

7. A PROSPEROUS COMMUNITY

7.1 Planning to Meet the Growth Requirement for School Places (CAB 024/123)

Note – Agenda Items 7.1 (Planning to Meet the Growth Requirement for School places) and 7.2 (Children, Schools and Families Capital Programme) were considered together and the combined minute is set out here:

Councillor Oliur Rahman, Cabinet Member for Children’s Services, introduced the report. He updated Members on the efforts being made to identify potential school sites to meet rising demand. He stated that residents’ concerns were being listened to about potential school sites.

Following questions from the Overview and Scrutiny Committee, Officers agreed to provide absolute figures for the number of children who did not get their first choice primary or secondary school places.

The Mayor noted the significant planning the Council had been undertaking to deal with the increase in the need for school places. He also remarked on the need for the Development Committees to help in ensuring the provision of Section 106 contributions from new commercial developments.

Decisions

1. To note the contents of the report at Appendix A, Planning for School Places 2012 – 2022 and confirm the priority for school places to be provided to contribute towards sustainable local communities;
2. To note the long term strategic planning proposals for providing additional school sites;
3. To agree the proposed change of use of the Professional Development Centre (PDC), English Street for primary school use;
4. To note the proposed relocation of the existing services located at the PDC to the Bethnal Green Centre, 229 Bethnal Green Road;
5. To agree that the existing site of Bow School should be retained for school use and the proposed change to primary school use, subject to a further detailed report.

7.2 Children, Schools and Families Capital Programme (CAB 025/123) (To Follow)

Note – Agenda Items 7.1 (Planning to Meet the Growth Requirement for School places) and 7.2 (Children, Schools and Families Capital Programme) were considered together and the combined minute is set out under Item 7.1.

Decisions

6. To note the proposed schemes to provide additional places at Bonner Primary School by adapting the buildings currently used as the Professional Development Centre in English Street, E3, to adopt the capital estimate of £5.0m and approve entering into a phased contract with the LEP for the construction works.
7. To note the associated relocation costs required to implement the expansion of Bonner School and adopt a capital estimate of £2.3m for the works to Bethnal Green Centre and associated relocation costs;
8. To note the proposed scheme to expand Woolmore Primary School and to adopt a preliminary capital estimate of £10m;
9. To agree the proposed use of unapplied Children's Services grants held within the Early Intervention Reserve to support capital schemes match funded by schools and adopt a capital estimate of £1.1m to fund the projects.
10. To agree the proposed additional funding for completion of works at Bowden House School and adopt a capital estimate of £330,000 for the works.

7.3 Mainstream Grants - Update and Extension of Current Programme (CAB 026/123)

Decisions

1. To note the current position with regard to applications for the 2012-2015 Mainstream Grants as outlined in paragraphs 6.1 to 6.3.
2. To agree a 3-month extension of currently funded projects through to 31 December as set out in paragraph 6.4
3. To agree to send a letter to all currently funded organisations advising them that the Council is reviewing funding and that their funding is not secure after 31 December 2012 but they will be advised if they have been successful following the October Cabinet meeting. Where an organisation has not made any application for future funding they will be advised that this will cease on 31 December 2012.

8. A SAFE AND COHESIVE COMMUNITY

Nil items.

9. A HEALTHY AND SUPPORTIVE COMMUNITY

9.1 Adult Health and Wellbeing Commissioning Plan 2012-15 (CAB 027/123)

Note – Agenda Items 9.1 (Adult Health and Wellbeing Commissioning Plan 2012-15) and 9.2 (Market Position Statement) were considered together and the combined minute is presented here:

Responding to questions, officers reported that:

- An exercise by the Local Government Ombudsman had generated a number of complaints but that the increase was in line with the rest of England.
- In general, Block Contracts were only a small percentage of spend and the approach was to further reduce their use to allow for increased patient choice. At the same time however, vulnerable residents would need support to ensure their choices were in their own best interest.
- It was hoped the Plan would increase local employment opportunities and would require contractors to pay the London living wage.
- Officers would prepare a briefing on additional issues raised by Members at the meeting around work to identify and tackle particular mental health issues suffered by cultural groups such as young Bangladeshis or the Somali Community.
- A campaign was to be run seeking feedback on domiciliary care.

The **Mayor** welcomed the report as setting out the aims of the Administration and Council.

Decision

1. To approve the implementation of the Adults Health and Wellbeing Commissioning Plan 2012-2015

9.2 Market Position Statement (CAB 028/123)

Note – Agenda Items 9.1 (Adult Health and Wellbeing Commissioning Plan 2012-15) and 9.2 (Market Position Statement) were considered together and the combined minute is presented under item 9.1.

Decision

1. To Approve the Market Position Statement document for online publication and promotion.

10. ONE TOWER HAMLETS

10.1 Update on Council development projects and Proposal to dispose of surplus (CAB 029/123)

Councillor Alibor Choudhury (Cabinet Member for Resources) introduced the report. He highlighted that disposals would allow new uses for the buildings or sites as well as releasing funds for the Councils' priorities such as Housing. He noted a minor error in the report that the last sentence in paragraph 7.21 should be deleted.

The Mayor welcomed the report and, following concerns raised earlier, noted that options were being sought for the LEB Building and Cheviot House and that retaining ownership was preferred.

Decisions

1. To formally declare the following properties, discussed in section 6.8 and 7 of the report, surplus to operational requirements and authorise the Corporate Director, Development and Renewal to arrange their marketing and open market disposal using external selling agents.

The properties proposed for disposal include:

- Ground lease investment (Travelodge site) East India Dock
 - Land at 1-3 Tent Street
 - Tredegar Boiler House, 329 Morville Street
 - The Blue Anchor PH
 - The Old Ship PH
 - The Queenshead PH
 - Watts Grove Depot
2. To agree to the source and cost of sale funding of up to 4% of the property's value for each of the sites noted in recommendation (1) above.
 3. To authorise the Corporate Director of Development and Renewal in consultation with the Assistant Chief Executive (Legal Services) to accept the offers which represent best consideration to the Council
 4. To authorise the Assistant Chief Executive (Legal Services) to execute the necessary documents to implement the recommendation in (1) above.
 5. To authorise officers to produce the options appraisal for the following sites, including the procurement options including a Value for Money assessment; the LEB site, Cheviot House, 2 Jubilee Street, 11-31 Toynbee Street and 31 Turner Street, so as to allow the Council to develop the sites directly. Thus retaining the assets rather than being sold in the open market per earlier Cabinet decisions including decisions taken in August 2011 and August 2012.

6. To note the project progress update in relation to properties referred to in recommendation (5) above.
7. To authorise the short term lease of Sutton Street depot and to agree that this site will not be sold in the immediate future.

10.2 Housing Revenue Account - Budget Outlook 2013/14-2015/16; New Right to Buy Agreement governing the use of receipts; Development and Renewal Capital Estimates (HRA and General Fund) - 2012/13 (CAB 030/123)

The Service Head Resources introduced the report and in particular highlighted why Cabinet were being recommended to sign up to the government scheme to reuse some of the right to buy receipts to help replenish housing stock.

Councillor Rabina Khan, Cabinet Member for Housing, highlighted that Members would monitor housing provision policies including those designed to engage private landlords in the provision of social housing.

Following questions, officers confirmed that they would have to carefully track the impact of the bigger Right to Buy discounts now available to residents but that planning was already underway.

Decisions

1. To agree entry by the Council into an agreement with the Secretary of State governing the use of right to buy receipts received from the second quarter of 2012/13 as set out in Appendix 1 and authorise the Corporate Director, Development and Renewal in consultation with the Assistant Chief Executive (Legal Services) to make any necessary amendments to the agreement prior to execution.
2. To consider the HRA financial outlook and medium term projection set out in this report, and note the pressures and risks facing the HRA and the possible need for further savings over the medium-term financial plan period.
3. To agree that with regards to the HRA, the strategic and resource planning process should focus on agreeing savings proposals in order, as far as possible, to mitigate the risks presented by the changes to right to buy and the impact of forthcoming welfare reforms.
4. To agree the adoption of a capital estimate of £500,000 in respect of Private Sector Improvement Grants, including Empty Property Grants, for 2012-13, to be financed from ringfenced resources received from the East London Renewal Partnership (paragraphs 11.1 to 11.7).

5. To agree the adoption of a capital estimate of £3,500,000 to allow the passporting of specific Section 106 resources to Transport for London as a contribution towards the upgrade of Bromley by Bow station (paragraphs 12.7 to 12.10).
6. To agree the adoption of a capital estimate of £3,200,000 to allow passporting of specific Section 106 resources to NHS London as a contribution to support the refurbishment of the Wellington Way Health Centre (paragraphs 12.11 to 12.15).
7. To authorise entry by the Council into a grant agreement with the Greater London Authority in relation to the redevelopment of the St Clement's Hospital site on terms to be agreed by the Corporate Director, Development and Renewal in consultation with the Assistant Chief Executive (Legal Services).
8. To authorise the Assistant Chief Executive (Legal Services) to enter into all necessary documents to implement the decisions above.

10.3 Contracts Forward Plan (CAB 031/123)

During the introduction to the report, officers explained that Contract AHWB 4213 (page 309 of the agenda) should be removed from the list as it was not currently ready.

Decisions

1. To note the contracts listed in the report.
2. To authorise the relevant Corporate Director who holds the budget for the service area to award the contract or contracts in consultation with the Assistant Chief Executive (Legal Services).
3. To authorise the Assistant Chief Executive (Legal Services) to execute all necessary contract documents in respect of the awards of contracts referred to at recommendation 2 above.

10.4 Strategic Performance and Corporate Revenue and Capital Budget Monitoring Q1 2012/13 (Month 3) (CAB 032/123)

Councillor Alibor Choudhury, Cabinet Member for Resources, introduced the report and highlighted that although it was early in the financial year the Council was in line with budget targets.

Following questions, officers agreed to:

- Provide the Chair of Overview and Scrutiny Committee with details on how actual asset sale values had compared to valuations.

- Report to the Cabinet Member for Health and Wellbeing why the council was contributing to the cost of developing the Mayor of London's Cycle Network within the borough.

Decisions

1. To review and note the Quarter 1 2012/13 performance; and
2. To note the Council's financial position as detailed in sections 3 and 4 and Appendices 1-4 of this report.

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

12. UNRESTRICTED REPORTS FOR INFORMATION

12.1 Exercise of Corporate Directors' Discretions (CAB 033/123)

Decision

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

13. EXCLUSION OF THE PRESS AND PUBLIC

Decision

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 25 July 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 20.1 "Update on Council development projects and Proposal to dispose of surplus (CAB 0034/123)." 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 25 July 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 20.1 "Update on Council development projects and Proposal to dispose of surplus (CAB 0034/123)." 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

Minutes (Cabinet 25 July 2012) circulated 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

Nil items.

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

20.1 Update on Council development projects and Proposal to dispose of surplus (CAB 034/123)

The mayor agreed the special circumstances and reasons for urgency.

Recommendations from the report agreed.

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

Nil items.

22. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION

Nil items.

The meeting ended at 6.46 p.m.

Chair, Mayor Lutfur Rahman
Cabinet

Agenda Item 6.2

Committee/Meeting: Cabinet	Date: 3 October 2012	Classification: Unrestricted	Report No: (CAB 036/123)
Report of: Corporate Director Communities, Localities and Culture Originating officer(s) Heather Bonfield, Interim Service Head Culture, Learning and Leisure		Title: Thames Tideway Tunnel Update Wards Affected: Shadwell, St Katharine's and Wapping, Limehouse, Millwall, East India and Lansbury and Bromley by Bow	

Lead Member	Councillor Alibor Choudhury
Community Plan Theme	A Great Place to Live
Strategic Priority	Improving the environment and tackling climate change

1. **SUMMARY**

- 1.1 This report provides Cabinet with the opportunity to respond to Thames Water's Section 48 Publicity Notice on the proposal to build the Thames Tideway Tunnel. The report also provides an update on issues addressed in the previous report on the proposal presented to Cabinet on 8 February 2012.

2. **DECISIONS REQUIRED**

The Mayor in Cabinet is recommended to:

- 2.1 Agree that he is satisfied that this matter is urgent, as defined in the Authority's Constitution (Part 4 Rules of Procedure, Section 4.5 Overview and Scrutiny Rules of Procedure, Rule 17 'Call In' and Urgency, sub paragraph 17.1, as any delay to implementation of all the decisions above would seriously prejudice the Authority's and the Public's interest; and therefore this matter should not be subject to 'Call In'.
- 2.2 Note that the results of the Phase Two Consultation have not materially altered Thames Water's proposals in respect of the proposed tunnel in the foreshore of the King Edward Memorial Park.
- 2.3 Agree that Thames Water have failed to provide sufficient information to allow a fully informed response to the Section 48 Publicity Notice to be provided.
- 2.4 Confirm the Council's concern at the impact of Thames Water's preferred scheme for a connection to the proposed tunnel in the foreshore of King

Edward Memorial Park and its objection to that scheme, and confirm the Council's support for an alternative scheme that provides for the main connection in the Heckford Street Industrial Estate with just a connection to the North East Storm Relief Sewer in King Edward Memorial Park.

- 2.5 Approve the draft version of the response to Thames Water based on recommendations 2.2 and 2.3 above set out in Appendix 1 and authorise the Corporate Director of Communities Localities and Culture in consultation with the Assistant Chief Executive (Legal Services) to determine the final content of the response and to submit this to Thames Water by the deadline for response of 5 October 2012.
- 2.6 Authorise the Corporate Director of Communities Localities and Culture in consultation with the Assistant Chief Executive (Legal Services) to submit an adequacy of consultation representation to the Secretary of State following the submission of Thames Water's formal Development Consent Order application.
- 2.7 Authorise the Corporate Director of Communities Localities and Culture (in consultation with the Assistant Chief Executive (Legal Services)) to take appropriate actions to sustain the Council's objection to Thames Water's preferred foreshore scheme by participating in the Development Consent Order and any related process, and if appropriate bringing a legal challenge in the courts

3. REASONS FOR THE DECISIONS

- 3.1 To allow the Council to maintain its objection to the preferred foreshore scheme and to comply with the statutory deadline for a response to be made to Thames Water's Section 48 Publicity Notice (both as land owner and local authority) which closes on 5 October 2012.

4. ALTERNATIVE OPTIONS

- 4.1 Members, if so minded, could determine not to respond to the Section 48 Publicity Notice. However, officers would not recommend this course of action as not only will it limit the ability of the Council to participate in the statutory process for determining the Development Consent Order for the Thames Tideway Tunnel, but in addition the promoters of this London-wide project and local residents may infer that the Council has no interest in influencing the final design solution. Disengagement from constructive dialogue could result in Thames Water imposing a solution on the borough.

5. BACKGROUND

- 5.1 Previous reports to Cabinet on 11 May 2011, 2 November 2011 and 8 February 2012 have provided an update on action taken by Thames Water in their development of the Thames Tideway Tunnel project and on action taken by the Council to consider the impact of their proposals and in particular to

look at alternatives to eliminate or reduce the impact of construction on King Edward VII Memorial Park (KEMP).

- 5.2 The objective of the Thames Tideway Tunnel is to reduce substantially the discharge of untreated sewage into the River Thames. At present any of 54 separate sewers can periodically discharge sewage into the river during periods of heavy rainfall. The basic solution proposed by Thames Water is to intercept most of these sewers at the points of discharge, to divert the sewage into a new tunnel running underneath the Thames, and then to pump the sewage to Abbey Mills, through the new Lee Tunnel, and on to the sewage treatment works at Beckton.
- 5.3 Two of the discharge points are in the Tower Hamlets river frontage, one from the North East Storm Relief (NESR) sewer alongside KEMP and one from the Holloway Storm Relief (HSR) sewer near Narrow Street. Thames Water's original preferred solutions to these discharges (as published during the Phase 1 consultation process between September 2010 and January 2011) were to intercept the NESR in KEMP and to connect it to the main tunnel at a site in the river foreshore immediately in front of KEMP, and to intercept the HSR in Butcher Row and then connect this by tunnel to the same foreshore site and link to the main tunnel there.
- 5.4 The May 2011 Cabinet report provided details of opposition to the use of KEMP identified during Thames Water's consultation on these proposals and also highlighted the response from the Council including the unanimously agreed motion passed by Council on 2 February 2011 opposing use of KEMP and its foreshore. The report also noted the meeting between the Mayor and the Chief Executive of Thames Water which strongly reinforced this position.
- 5.5 The November 2011 Cabinet report confirmed that Thames Water had been revising their proposals to take into account the feedback from the Phase 1 consultation and were proposing to undertake their formal Phase 2 consultation later that month. At that time Thames Water would not confirm details of any changes to their preferred scheme prior to formal publication but advised that the consultation material would contain information on other alternatives considered. Cabinet authorised the Corporate Director of Communities Localities and Culture to engage additional specialist advisors (Temple Group Ltd) to assist with the analysis of Thames Water's consultation material. The consultation began on 4 November 2011 with the deadline for responses set as 10 February 2012.
- 5.6 The February 2012 Cabinet report confirmed that Thames Water's preferred and published solution was still to intercept the NESR in KEMP and to connect to the main tunnel in the river foreshore with some revisions to the detailed format of the proposals. Thames Water proposed to deal with the discharge from the HSR by a local in-sewer modification and therefore the proposal to link to the main tunnel via the foreshore site has been dropped. Thames Water's consultation material also included information on alternative sites considered for the interception of the NESR instead of the KEMP foreshore proposal. The alternative which appeared to have been given the

greatest consideration was to intercept the NESR at a smaller site in the north of KEMP and to link from here by tunnel to the Heckford Street Industrial Estate where a down shaft to a realigned main tunnel would be constructed.

5.7 The February report presented Temple's findings. In summary, Temple's advice was that the basic methodology used by Thames Water to assess impacts appeared reasonable, but that the data provided in the consultation material (including extra material provided after Council requests) was relatively limited and thus it was not possible to gain a full understanding of the facts upon which Thames Water had come their conclusions. In particular Temple stated that much of the assessment undertaken by Thames Water had been based on professional judgement using baseline data available.

5.8 On the basis of this advice and other considerations, the February report recommended the following response to Thames Water:

(a) Inadequate information has been provided by Thames Water to enable the Council to make an informed and intelligent response.

(b) The response is made without prejudice to contention (a)

(c) Thames Water's consideration and comparison of the benefits and disbenefits of the KEMP Foreshore and KEMP/Heckford Street options is inadequate

(d) The Council's view is that:

(i) There has been an inadequate comparison of the KEMP Foreshore and KEMP/Heckford options

(ii) As a result Thames Water's decision to proceed with the KEMP Foreshore option is not justified by clear evidence.

(iii) The KEMP/Heckford option is to be preferred on the following main grounds:

- Its has significantly less impact on KEMP users during construction
- Is the option that local residents have indicated that they would prefer
- Minimises the impact of construction traffic on residents of Glamis Road
- Less noise impact during construction
- Less visual impact and less impact on the landscape in the vicinity

(e) The response relating to mitigation measures (during construction, and in operation) is made without prejudice to the contention that the KEMP/Heckford Street option is to be preferred.

5.9 Cabinet accepted this recommendation and a response to that effect was sent to Thames Water.

6. **BODY OF REPORT**

Thames Water's Response to Consultation

- 6.1 Thames Water published their response to the Phase 2 consultation exercise in May 2012. The report advises that Thames Water received around 6,000 responses including 17 from local authorities. These responses included 9 petitions, the biggest of which was submitted by the SaveKEMP group and had 10,528 signatories.
- 6.2 The report separates the comments received into categories and sets out Thames Water's response to them. Some comments were made concerning the principle of constructing a tunnel as the solution to the discharge of untreated sewage into the Thames. Thames Water conclude that the previous research undertaken demonstrates the need for the tunnel and stress that the National Policy Statement for Waste Water designated by Government in March 2012 (i.e. after the Phase 2 consultation finished) clearly states that the need for the project has been demonstrated. The Policy Statement concludes that "detailed investigations have confirmed the case for a Thames Tunnel as the preferred solution".
- 6.3 The consultation report then goes on to look at the feedback received for each of the proposed construction and interception sites along the route. For the KEMP foreshore site, Thames Water report that 1,519 responses were received, 6 from statutory consultees (Design Council / CABE, Consumer Council for Water, English Heritage, Environment Agency, Greater London Authority, Port of London Authority), 1 from this Council, 10 from landowners, 1501 from community consultees, and the petition mentioned above. In relation to use of the KEMP foreshore site as the preferred site, the responses received were as follows :

Type of consultee	Supporting use of KEMP foreshore	Objecting to or concerned about use of KEMP foreshore	Unsure	Total
Statutory	0	1	0	1
Local Authority	0	1	0	1
Landowner	2	8	0	10
Community consultee	18	1446	11	1475
Petition	0	1	0	1

- 6.4 Thames Water's response states that *"the sites that we consulted on at the Phase 2 consultation have been identified through an extensive site selection process. We recognise that, given the locations in which we are seeking to construct and operate the tunnel, many of the shortlisted sites are constrained. However, based on our assessment we consider that, on balance, KEMP foreshore is the most suitable site. This is because only one site is needed to intercept the CSO and connect to the main tunnel, which also eliminates the cumulative effects of undertaking construction works at*

two sites at the same time, avoids direct impact on businesses, and there are opportunities to use the river for transportation of materials. The majority of the temporary work site is situated in the foreshore; therefore, we sought to minimise the effects on the park as far as possible. Furthermore, the tunnels would pass under fewer buildings”.

- 6.5 The report goes on to consider the implications of use of the alternative site at Heckford Street which many respondents (including the Council) suggested as an alternative to their preferred foreshore site. Thames Water respond by saying *“we have investigated a potential split site at KEMP and Heckford Street and we consider that the Heckford Street option is less suitable because the combination of both sites and the additional tunnelling works would be likely to take longer, cause more disruption to the local community, and put more traffic on local roads. The site would result in the disruption and potential loss of some businesses in an area where the Council’s planning policy seeks to protect employment uses. The use of the site would also result in the greater effects on people living and working near the site in comparison to our preferred site as it would not be possible to utilise the River Thames for movement of materials. Furthermore, the tunnels would pass below significantly more buildings and the connection tunnel would be at a much shallower depth. In response to feedback, we have also reduced the size of the footprint of the structure in the foreshore of the River Thames and changed the access, thereby avoiding the meadow area in the park”.*
- 6.6 Overall, in relation to feedback received, Thames Water state that during the Phase 2 consultation *“no new information has been highlighted that would change the conclusion of our site selection process to date. The KEMP foreshore remains our preferred site to connect the NESR to the main tunnel. Additionally no new information or issues were identified that would fundamentally change our proposals for this site. Therefore we will continue to develop the proposals for this site that were published at Phase 2 consultation”.*
- 6.7 Thames Water go on to say that they received detailed comments on the construction and operational effects of the proposed development and measure to reduce and manage these effects plus comments on the permanent design and appearance of the scheme. Having regard to these comments, Thames Water are considering:
- Locating construction site facilities off-site to reduce effects on the recreational facilities at the west of the park
 - Further noise attenuation measures to address noise generated during construction
 - Open fencing along the proposed access route from Glamis Road to allows view through to the river and foreshore
 - Improving the Glamis Road / The Highway road junction for safer access

At some sites elsewhere along the route, Thames Water have also considered changes to their preferred scheme as put forward at the Phase 2 consultation

and have carried out targeted consultation on the implications of those changes. For the KEMP foreshore site, Thames Water “do not consider that the degree of change or the effect on the local community would affect the nature of the comments received during Phase 2 consultation in such a way as to require further consultation”.

- 6.8 For the Bekesbourne Street site, Thames Water state that 12 responses were received, 2 from statutory consultees (English Heritage and the Greater London Authority), 1 from this Council, and 9 from community consultees. In relation to use of the Bekesbourne Street site as the preferred site, the responses received were as follows :

Type of consultee	Supporting use of Bekesbourne Street foreshore	Objecting to or concerned about use of Bekesbourne Street	Unsure	Total
Statutory	0	0	0	0
Local Authority	1	0	0	1
Landowner	0	0	0	0
Community consultee	2	4	0	6
Petition	0	0	0	0

- 6.9 Thames Water indicate that they consider they received no information that would change their decision to proceed with the use of the Bekesbourne Street site to intercept the HSR or to fundamentally change their proposals for that site. Changes to the detailed design may be considered but none of these would be significant enough to justify further consultation.

- 6.10 Essentially, therefore, the Phase 2 consultation has not resulted in any significant changes to Thames Water’s published proposals in this borough. The Council’s specialist advisors Temple were commissioned to review Thames Water’s analysis of the Council’s consultation response in order to check that every point raised by the Council had been taken into consideration. Temple indicate that most of the issues raised by the Council in its response have been acknowledged by Thames Water but this takes the form of re-stating their view that the KEMP foreshore site remains their preferred option and then cross-referencing this to various papers included in the Phase 2 consultation material. No new information or data has been provided by Thames Water to enable the advisors to fully understand the decisions made by Thames Water through their site selection process. Indeed, in some cases it is not clear that Thames Water have addressed specific issues raised by the Council. Temple’s conclusions therefore are that, whilst the overall assessment methodologies are found to be reasonable and the information sources for the assessments are appropriate, the assessment work from which to determine the preferred option is mostly absent.

Thames Water's current position

- 6.11 As indicated above, Thames Water have completed their Phase 2 consultation for the whole project and have carried out additional targeted consultation at locations where they have made significant alterations to their designs in response to that consultation. Thus Thames Water have now come to a final decision on their preferred solution.
- 6.12 During this period, Government has confirmed the Section 14 order under the Planning Act 2008 which brings major waste water transfer and storage projects within the scope of the Act. This means that the Thames Tideway Tunnel is now categorised as a Nationally Significant Infrastructure Project and thus will be processed under the streamlined planning process allowed by the Act rather than requiring separate planning permission from the 14 planning authorities through which the route of the tunnel runs. Thames Water will need to submit an application for a development consent order for the project to the Planning Inspectorate. The Planning Inspectorate will consider the application, seek the views of interested parties (including the Council) and make a recommendation to the Secretary of State. It will be the Secretary of State who makes the final decision.
- 6.13 The first formal step in this process is for Thames Water to issue a notice in accordance with Section 48 of the Planning Act publicising their intention to make a development consent order application for the project. Thames Water published that notice on 16th July 2012 with a closing date for response of 5th October 2012. The notice is accompanied by a substantial pack of publicity material including detailed drawings of what is proposed and indicating the land Thames Water would need to acquire to be able to undertake the works. A copy of the notice is attached to this report as Appendix 2.

Options available to the Council

- 6.14 Advice has been taken on options available to the Council now that Thames Water have confirmed their decision to proceed with the KEMP foreshore proposal rather than use the alternative sites preferred by the Council. Section 49(2) of the Planning Act requires Thames Water to have regard to the any relevant responses when deciding whether the application that it will actually make should be in the same terms as the proposed application. It would seem unlikely that a Council response generally repeating the points made in response to the Phase 2 consultation would result in any change of mind by Thames Water. However it is possible for the promoter of a scheme to put forward two options in a draft development consent order. This would enable both options to be explored during the examination of the development consent order and would avoid delay if the examining authority prefer a different option to that preferred by the promoter. In this particular case, Thames Water have accepted that they only preferred the KEMP foreshore option "on balance" and indeed at meetings have indicated that the difference between the two alternatives was small. Therefore a case could be made for asking for both alternatives to be put forward in the development consent

order. Cabinet should note however that this suggestion has been put to Thames Water informally and their initial response is that “the advice from both the former Infrastructure Planning Commission and more recently the government in their review, is that alternatives should only be in exceptional circumstances for ‘limited elements’ of a project and should not include alternatives that could alter the route or alignment of a linear scheme such as the Thames Tideway Tunnel”.

- 6.15 Nevertheless, in order to develop such a case, Temple have been asked to carry out a thorough review of the process which Thames Water claim to have undertaken as part of their site selection methodology. This review has used all information provided by Thames Water as either as part of their Phase 2 consultation or previously. Temple have tried to replicate the approach taken by Thames Water of using professional judgement to judge the relative merits of alternatives and have examined the five equally weighted factors which Thames Water used in their analysis – namely Engineering, Planning, Environment, Socio-economic and community, and Property. Where appropriate Temple have sought input from Council staff on areas outside their expertise – for instance planning policy, property valuation. Copies of the advisors’ report are attached as Appendices 3 and 4.
- 6.16 The report is in two parts. The first part (Appendix 3) looks at the data published by Thames Water. As indicated in para 5.7 above, Temple had concerns about the adequacy of the data at earlier stages in the process and indeed the Council wrote to Thames Water requesting further information. Although some additional data was provided, this was considered inadequate to allow the Council to make an intelligent and informed response to the Phase 2 consultation, and this was a key part of the Council’s response to the consultation. Temple have now re-examined the material produced by Thames Water and identified those elements still missing and needed to allow a proper comparison of the KEMP foreshore option and the Heckford Street alternative. Thames Water have again been asked to provide this information. They have replied indicating that they consider their approach to the Section 48 Stage of the procedure has been handled correctly and that they have met their legal duties. Thames Water’s reasons for holding this view are set out in their letter, but no additional information is included.
- 6.17 The second part of Temple’s report (Appendix 4) comprises an analysis of the two alternatives in relation to the five factors used by Thames Water. For each of the factors, Temple have looked at the various elements used by Thames Water for evaluating each factor (e.g for Environment elements such as noise and vibration, air quality, visual impact, effect on archaeology, effect on ecology have been considered) and made their own assessment of the relative merits of the two schemes. Temple have also used their professional judgement to weigh the varying impact of each element within each factor to produce an overall assessment. Using this approach (which as indicated above replicates the approach Thames Water claim to have undertaken), Temple judge that the Heckford Street alternative is the better option in terms of the Environment, Socio economic / community and Planning factors, whilst the KEMP foreshore is better in terms of the Engineering and Property factors.

- 6.18 This conclusion would support the case that there is no clear preferred site in Tower Hamlets. Indeed it could be argued that, as it is the environment and socio-economic / community factors which impact on people and the engineering and property factors which impact on cost, justify and support the Council's view that the Heckford Street option is to be preferred, particularly as the extra costs are insignificant compared with the overall cost of the project and are outweighed by the impact on the local community. There is a clear case for proposing that Thames Water should present both alternatives in their draft development consent order so that the Planning Inspectorate can carry out a comprehensive analysis and present their independent recommendation to the Secretary of State.

Acquisition of land for the scheme

- 6.19 The plans accompanying Thames Water's Section 48 notice indicate the extent of land that Thames Water would need to acquire or use to be able to carry out the works. This comprises a significant section of the southern part of KEMP (which is owned by the Council), much of Glamis Road, and a section of the foreshore of the River Thames in front to KEMP, plus most of Bekesbourne Street on each side of the junction with Ratcliffe Lane and a small parcel of land at the south west corner of Limehouse Station.
- 6.20 The Planning Act includes provision for the Secretary of State to authorise the compulsory acquisition of land if required to facilitate implementation of the development. In relation to the KEMP land, this is defined as open space (Acquisition of Land Act 1981 Section 19) and the Planning Act generally requires that compulsory acquisition of this land will require authorisation by special parliamentary procedure unless the Secretary of State issues a certificate indicating that replacement land will be given in exchange for the order land. The special parliamentary procedure would require the application to be considered by a joint committee of the House of Commons and House of Lords with the opportunity for the Council to make representations. Although this procedure might delay the scheme, it would be extremely difficult to persuade the committee to reject the scheme if the development consent order had been made and failure to confirm acquisition would prevent the tunnel being built. If Thames Water seek to obtain a certificate for replacement land (possibly suggesting that the land in the foreshore is suitable replacement), the Planning Act requires the Secretary of State to consider whether to cause a public local inquiry to be held in relation to that proposal. The Council would attend that inquiry, along with local people.
- 6.21 It is not presently clear whether Thames Water intend to acquire the open space land owned by the Council compulsorily, although it is anticipated that Thames Water will seek a certificate for replacement land. As such, it is recommended that the Council's response to the Section 48 notice should also seek confirmation of Thames Water's position and state that Thames Water should seek to obtain a certificate before they submit their development consent order and that, if they do not intend to provide replacement land or do intend to provide replacement land but not apply for a certificate in advance of making an application for a development consent order, they should justify and explain their position.

Proposed response to Thames Water

- 6.22 A detailed proposed response to Thames Water is set out in Appendix 1. In summary, however, the proposed response states the following:
- Insufficient information has been provided to allow the Council to make an intelligent and informed response
 - The Phase 2 consultation report is inadequate as it contains no re-assessment of the merits of the Heckford Street and KEMP foreshore options against the site selection criteria in the light of consultation responses
 - That both options should be included in Thames Water's development consent order application as both Thames Water's and the Council's independent advisor's assessments indicate that the relative merits of the two options are finely balanced
 - That Thames Water should seek to obtain a certificate for the provision of replacement land before they submit their development consent order application

Next steps in Thames Water's process

- 6.23 Following completion of the Section 48 publicity stage, Thames Water must have regard to any relevant responses when deciding whether the development consent order application should be in the same terms as the proposed application. Thames Water have indicated that they are proposing to submit their application in early 2013. The Secretary of State will have 28 days to review the application and decide whether to accept or reject it. The Council have the opportunity to submit an "adequacy of consultation representation" which the Secretary of State must take into account when deciding whether to accept the application. This representation could address the inadequacies in Phase 2 consultation methods highlighted in the February 2012 Cabinet report, the failure to provide sufficient information to allow the Council to provide an intelligent and informed response to both the Phase 2 consultation and the Section 48 publicity notice, the inadequacy of the Phase 2 consultation report, and possibly the failure of Thames Water to have regard to responses received to the Section 48 publicity notice.
- 6.24 In view of the uncertainty of the actual date when Thames Water will make their application and the relatively short time available to make the adequacy of consultation representation, members are requested to agree that authority be given to the Corporate Director Communities Localities and Culture in consultation with the Assistant Chief Executive (Legal Services) to submit an appropriate and timely representation.
- 6.25 Should the development consent order application be accepted by the Secretary of State, the Council will be able to make formal representations to the Planning Inspectorate as part of the development consent order examination process. In addition, the Council will be invited to submit a "local impact report" which should set out what the Council believes to be the likely impacts of the proposed development on its area. This is expected to be a

comprehensive document representing the broader views of residents and can cover a broad range of local interests and impacts. This will involve a substantial amount of work and is likely to require further input from specialist advisors. The Planning Inspectorate will then undertake a formal examination of the proposal and the Council is likely to be given the opportunity to appear to support any representations made. If a compulsory acquisition hearing is held into land owned by the Council, it will have a right to make oral representations, The Inspectorate will then draw up a report on findings and make recommendations to the Secretary of State. The Secretary of State will make the final decision whether to confirm the order or not. Current advice from Government is that this process will take around 15 months from date of application – this implies a decision in mid 2014.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 The report seeks Cabinet approval to respond to Thames Water's Section 48 Publicity Notice on the proposal to build the Thames Tideway Tunnel. The report also provides an update on the issues addressed in the previous report in February 2012.
- 7.2 Provision of £25k has been made within available resources of the Culture budget to fund the cost of expert advice and the Council's contribution to the costs of the Hammersmith & Fulham Commission. Expenditure to date has been £5k for the Commission, £29k for engineering advice, £11k for legal advice, £7k for environmental advice all totalling £52k with further costs of up to £30k committed for environmental advice just received. Thames Water have advised that none of these costs will be recoverable as part of the memorandum of understanding on costs that the Council has signed with Thames Water. Thames Water are only prepared to accept costs related to development of their preferred proposal.
- 7.3 There is no budget provision within the medium term financial plan that support the costs associated with Thames Tideway, the additional costs as well as costs involved in making representations to the Planning Inspectorate will need to be contained within the existing budget provision for the service. If the costs cannot be contained within the existing budget provisions then a supplementary budget will need to be approved.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1 The Council has a number of functions in relation to the Thames Tideway Tunnel proposal, including as a land owner of King Edward Memorial Park, as a statutory consultee in the application process and as an authority responsible for promoting well-being in Tower Hamlets.
- 8.2 The Thames Tideway Tunnel project is included as a Nationally Significant Infrastructure Project, which means that the development consent application

for the Project will be examined by the Planning Inspectorate and determined by the Secretary of State, and not by local authorities. The Planning Act 2008 and associated regulations deals with the requirements for such applications, which include a duty to consult and a duty to have regard to such consultation responses.

- 8.3 The Council is empowered under section 2 of the Local Government Act 2000 to do anything which it considers likely to promote the social, economic or environmental well being of Tower Hamlets, provided the action is not otherwise prohibited by statute. In exercising the power, regard must be had to the Community Plan. It is open (and indeed desirable) to the Council to respond to Thames Water's consultation, having regard to the potential impacts on the borough, the Community Plan objectives and its statutory functions.
- 8.4 This report seeks Cabinet approval for the Council's response to Thames Water's Section 48 Publicity Notice. The report notes the inadequacy of information provided by Thames Water in relation to the Council's preferred option at the Heckford Street Site.
- 8.5 Following the Section 48 publicity, Thames Water advise that they intend to submit a development consent order application to the Secretary of State in early 2013. The process is carried out in accordance with provisions of the Planning Act 2008 and will afford the Council opportunities to make representations on the proposed scheme to an independent Planning Inspector. As outlined in paragraph 6.13 of the report, it is considered that the most favourable way to secure acceptance of the Heckford Option by the Secretary of State is to request Thames Water to put forward two options for examination. However the likelihood of this is low. Therefore, in order to assist in sustaining the Council's objection to the foreshore option, the report seeks authorisation for the Corporate Director of Communities Localities and Culture to take such appropriate action, which could include legal challenge. The merits of any such decision would be based on legal advice and taken in consultation with the Assistant Chief Executive (Legal Services).

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 The borough has a significant shortfall in Public Open Space. Parks and Open Spaces play a major role in bringing communities from different backgrounds and ages together. Any proposed loss of open space, temporary or otherwise in an area of such severe deficiency is one that should be subject to robust challenge and scrutiny.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 The response to consultation will confirm the Council's commitment to protecting and enhancing habitats, particularly in the area of the borough subject to Thames Water's proposals

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 There are no immediate risk management implications arising from the public consultation exercise. The Council can work with the promoters of the scheme to ensure that they manage the risks from construction.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 There are no specific implications arising.

13. EFFICIENCY STATEMENT

- 13.1 There are no specific implications arising.

14. APPENDICES

- 14.1 Appendix 1. Proposed response to Thames Water (below)
Appendix 2. Thames Water's Section 48 publicity notice (separate attachment)
Appendix 3. Temple's Thames Tunnel – LBTH Information Requirements report (separate attachment)
Appendix 4. Temple's Thames Tunnel – Sites Reassessment report (separate attachment)

Local Government Act, 1972 Section 100D (As amended) List of "Background Papers" used in the preparation of this report

- | | | |
|---|------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 1 | Review of Thames Tunnel Phase 2 Consultation Report – Temple Group Limited 19 June 2012 | Andrew McKenzie, 020 7364 4650
4 th Floor Anchorage House |
| 2 | Letter from the Council to Thames Water dated 4 Sept 2012 re Thames Tunnel s48 consultation – request for information | |
| 3 | Letter from Thames Water to the Council dated 17 Sept 2012 re Thames Tideway Tunnel, Section 48 Publicity, Request for Information | |

Appendix 1 – Proposed response to Thames Water

Dear Sirs

Thames Tideway Tunnel: Section 48 Publicity of a proposed application

I refer to your letter of July 2012 giving notice of your intention to make a development consent order application for the Thames Tideway Tunnel project. The Council wishes to record its continued opposition to this project because of its impact on King Edward Memorial Park (KEMP) and the surrounding area and requests that you take the following into account before you submit your formal application for the scheme.

Firstly, it is the Council's contention that insufficient information has been provided to allow the Council to make an intelligent and informed response both to the current publicity notice and to the Phase 2 consultation exercise which preceded it. The Council wrote to you during that Phase 2 exercise requesting additional information and, although some additional information was provided, this was not considered adequate to allow the Council to make an informed response. The Council wrote to you again on 4th September 2012 setting out the information needed to allow an informed response to be made to your publicity notice but again insufficient information has been provided. The report from our specialist advisors Temple Group Ltd attached sets out in detail the information that is missing. The comments that follow are made without prejudice to the Council's contention that it is unable to make an intelligent and informed response.

Secondly, your Phase 2 consultation report is considered inadequate as it contains no re-assessment of the merits of the KEMP foreshore and the Heckford Street options against the site selection criteria in the light of consultation responses.

Thirdly, because the Phase 2 consultation report is considered inadequate, the Council has commissioned its advisors Temple (in conjunction with Council staff) to undertake a separate assessment of the two options using your own site selection methodology, whatever information has been provided in your consultation material or in response to Council requests, and Temple's own professional judgement where the provided information is insufficient. This assessment has been undertaken to replicate as far as possible the process which you claim to have undertaken when selecting construction sites and to test whether the conclusions you have come to on your preferred scheme can be justified. A copy of Temple's report is attached. The report makes it clear that your conclusion that the KEMP foreshore site should be preferred "on balance" is not supported by evidence and that, using the five factors set out in your site selection methodology, the Heckford Street option is clearly preferable in terms of environmental, socio-economic / community and planning impact but is unfavoured in terms of engineering and property considerations. It is the Council's view that, because the environmental and socio-economic / community considerations have such a significant impact on local people, the Heckford Street alternative should be preferred, particularly as the engineering and property impacts primarily effect only the financial cost of implementing the scheme. The extra cost involved is insignificant when compared to the overall cost of the project and is

outweighed by the significant impact of the KEMP foreshore scheme on the local community.

On this basis, it is the Council's view that your current proposals should be withdrawn and that your development consent order application should be for the Heckford Street alternative instead. Without prejudice to this contention, if it is your intention to continue to promote your preferred scheme, the Council proposes that you also set out the Heckford Street alternative in your draft development consent order so that both options can be explored in the examination of the development consent order. This approach is in your own best interests as it will avoid delay in the event that the examining authority prefers the Heckford Street alternative. The Council will be making a case in the strongest possible terms during the examination process that your selection of the KEMP foreshore option is flawed.

Fourthly, the plans accompanying your publicity notice indicate the need for you to acquire or use land within KEMP to undertake your project. This land, which is owned by the Council, is open space as defined in Section 19 of the Acquisition of Land Act 1981. Section 131 of the Planning Act 2008 stipulates that compulsory acquisition of this land using a development consent order is subject to special parliamentary procedure unless the Secretary of State issues a certificate that replacement land has been or will be given in exchange for the land required to implement the order. The Council requests that you seek to obtain such a certificate before you submit your development consent order. If you do not intend to provide replacement land, or do intend to provide replacement land but not apply for a certificate in advance of making an application for a development consent order, the Council requires a detailed and reasoned explanation to justify your position.

Finally, all the points raised in the Council's submission to your Phase 2 consultation are still relevant and the Council requests that you take them into account during this stage of the process.

Yours faithfully

Corporate Director
Communities Localities and Culture



Mr Andrew McKenzie

Thames Tideway Tunnel – July 2012

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Dear Mr McKenzie

Thames Tideway Tunnel: Section 48 Publicity of a proposed application

The proposed Thames Tideway Tunnel is a major new sewer urgently needed to help tackle the problem of sewage overflows from London's Victorian sewerage system into the River Thames. Following our analysis of and response to phase two consultation, and the targeted consultations we have undertaken at selected sites, we are now ready to publicise our proposed application for development consent for the project.

This is a formal process that we are required to undertake in accordance with Section 48 of the Planning Act 2008. The purpose is to publicise our intention to make a development consent order application for the project. Accordingly, this stage is different from the previous principal phases of consultation that we have undertaken and instead offers a preview of our proposal before we submit our application early in 2013.

I enclose a copy of our notice publicising the proposed application for a development consent order. All documents are available online. If you would like a CD of the information, please email info@tidewaytunnels.co.uk.

The Section 48 publicity begins on 16 July 2012 and closes on 5 October 2012 at 5pm. If you wish to make any comments on the publicity material, we must receive them (in full) by the closing date. These views will be taken into account before we finalise our application for development consent.

I would also like to take this opportunity to introduce our modified project title. In response to feedback from stakeholders, our project is now known as the Thames Tideway Tunnel. The new emphasis on the word 'Tideway' also has the benefit of highlighting the central purpose of the project, to address the growing and unacceptable discharge of untreated sewage into the tidal River Thames.

Yours sincerely

Phil Stride
Head of Thames Tideway Tunnel

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REPORT for

London Borough of Tower Hamlets

Thames Tunnel – LBTH Information Requirements (S48 stage)

T1908 – Thames Tunnel Review

Status: Final



22 August 2012





Report for London Borough Tower Hamlets

Thames Tunnel – LBTH Information Requirements (S48 stage)
T1908 – Thames Tunnel Review

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1. INTRODUCTION

Temple Group has been commissioned by the London Borough of Tower Hamlets (LBTH) to review the information requirements provided to the Council via email by Patrick Duffy on the 22nd December 2011. This review was to be carried out in light of any new information provided by Thames Water relevant to the site selection process employed for deriving the preferred option of intercepting the NE Storm Relief CSO which lies within the Borough.

This forms Task 1 within the latest fee proposal (provided 6th August 2012).

It should be noted that as the application has been developed by TW, so has the Environmental Impact Assessment (EIA) that forms a key component of the application. Many of the data requirements originally requested are now partially satisfied by the latest version of the Preliminary Environmental Information Report (PEIR), which will become the Environmental Statement. It is important to understand that this information that has recently become available (at S48 stage) is largely irrelevant to the preferred site selection decision, for the following reasons:

- The EIA process only covers the KEMP Foreshore Option with this increased detail of environmental information (i.e. not the Heckford Option); and
- The site suitability reports and resultant preferred site selection were based upon a level of environmental data available **at that point in time**, and it is this data (i.e. the data upon which the decision is based) that is important to view when assessing whether the site selection was carried out in a robust manner.

Section 2 of this short report re-iterates (and in some cases adds to slightly) the environmental information requests previously stated, as no new useful environmental information relevant to the final stages of the site selection process have been provided by TW.

LBTH may want to re-request this information of TW as part of the Section 48 publicity consultation. If provided, it could be used within the Reassessment process that LBTH are proposing to undertake (Task 2 of brief). This information would need to be provided in good time if it is to be usefully analysed before any formal consultation response would need to be completed (taking into account LBTH democratic processes).



2. INFORMATION REQUIREMENTS

2.1. Air Quality

Local Air Quality - For the purposes of the local air quality assessment a preliminary qualitative assessment was undertaken in order to facilitate the site selection process. The actual environmental information and parameters used at that time to enable the preferred site selection decision has not been provided. We would like to see the information used **at that point in time** within the site selection process for **both** sites.

Construction Dust - For the purposes of the construction dust assessment a full qualitative assessment of construction was undertaken in accordance with “Best Practice Guidance (BPG), The Control of Dust and Emissions from Construction and Demolition”, published by the GLA and London Councils in November 2006 (BPG, 2006). The actual environmental information and parameters used at that time to enable the preferred site selection decision has not been provided. We would like to see the information used **at that point in time** within the site selection process for **both** sites.

Odour - A full quantitative assessment using dispersion modelling was undertaken for the odour assessment. The actual environmental information and parameters used at that time to enable the preferred site selection decision has not been provided. We would like to see the information used **at that point in time** within the site selection process for **both** sites.

From available site selection information, it seems that these assessments were carried out, but the assessments themselves don't seem to have been published therefore making it difficult to enable a completely informed opinion on the site selection results.

2.2. Noise

During the site selection process (i.e. up to and including Part 1C – creation of preferred list of sites), neither site seemed to be subject to a location specific construction noise and vibration impact assessment. Such an assessment for each site is needed in order to make a robust decision on which are the least worst locations. Such assessments should include:

- Description of the works to be carried out;
- Working methods and duration of the works;
- Details of methods to be used to minimise noise and vibration;
- Location of the noise-sensitive receivers;
- Predicted noise levels (and vibration where required) for the sensitive identified receivers;
- Sufficient information for the LA to validate predictions, i.e.;
 1. Plant: Number and types selected, sound power levels of that plant (and the source of the information, e.g. BS 5228);
 2. Noise source and receiver heights;
 3. Information used in a BS 5228 calculation, i.e., angle of view corrections, percentage on time;
 4. Screening calculations;



5. Facade correction;
 6. Details of activities within the start-up/close-down periods; and
 7. Plan showing the working area, main plant locations and named nearby noise-sensitive receivers.
- For works which occur outside of normal working hours and/or are predicted to result in noise levels in excess of the noise insulation trigger level, additional information is required, including:
 1. The predicted number of households likely to be affected;
 2. The number of days for which the thresholds for noise insulation/temporary re-housing are met or exceeded (see CoCP Section 6.4);
 3. A detailed BPM assessment of possible quieter alternative methods and full justification of why these are not reasonably practicable;
 4. Particular emphasis should be given to the consideration of specific mitigation measures over and above the general measures discussed in CoCP Section 6.4; and
 5. For works proposed to be undertaken outside of normal working hours, full justification for why these works cannot be completed within normal working hours.
 - Assessment of the different effects on noise and vibration due to construction traffic has not been identified.

Note:

Baseline noise levels had been deduced by scrutiny of the DEFRA Strategic Noise map for London. DEFRA specifically warn against this and doing so presents issues as follows:

- The strategic noise maps are in terms of long term annual average noise levels; so differential weekend compared to weekday values between the sites are lost;
- The strategic noise maps are for individual noise sources i.e. road, rail and air so they may underestimate exposure; and
- The strategic noise maps are designed to identify the noisiest sites for priority action, in order to speed up the calculation process less trafficked roads were ascribed a default traffic flow i.e. 1000 vehicles per day. Consequently there is risk that not only has the correct baseline for each site not been identified, any differences between the sites have not been correctly identified either.

In general, the actual environmental information and parameters used at that time to enable the preferred site selection decision has not been provided. We would like to see the information used **at that point in time** within the site selection process for **both** sites.

2.3. Traffic and Transportation

The actual environmental information and parameters used at the time of site selection to enable the preferred site selection decision has not been provided. We would like to see the information used **at that point in time** within the site selection process for **both** sites.



This would apply to the following key information that would be required for a more meaningful comparison of the traffic impacts of the proposed, and which Temple would have expected to have been compiled by Thames Water:

- Traffic data from the surveys identified at the time as done, but not reported – for both sites;
 - Data on traffic accidents at the junctions of The Highway with Glamis Road and Heckford Street;
 - LinSig or OSCADY modelling for the Glamis Road Junction, and PICADY modelling for the Heckford Street junction;
 - An indication of the outcome of any discussions with the Port of London Authority regarding the feasibility of the use of water transport for access to and from the KEMP site;
 - Details of original calculations regarding the total development time, un-bulked volume of export to Barge and/or road and traffic numbers (number of barges/HGVs required);
 - Details of how road traffic (HGV) patterns will be disrupted by availability of barges (due to turnaround times/ tides etc.);
 - Assessment of the effects on road safety, noise and air quality due to construction traffic for both sites;
 - Initial plans for potential temporary traffic management; including any discussions with the street works and traffic manager at TfL and LBTH; any temporary traffic regulatory orders that need to be put in place/lifted (with regards to routing strategy); and any temporary construction works that would need to be put in place to facilitate traffic movement;
 - Details of construction traffic (import) including volume required during construction phase (of tunnels/shafts/wharf, including landscaping) and number of service vehicles and staff vehicles proposed;
 - Data on parking survey and outcomes;
 - Planned highway/utility works during the years of operation, and how this will affect other statutory bodies; and
- Details of the auto track turning movement and sweep path analysis for HGVs travelling between different sites.

2.4. Landscape, Visual and Socio-Economics

The following should be provided so that a fair comparison can be made between the two options:

- A separate assessment of the KEMP element of the Heckford option;
- An assessment of the Heckford option as a whole, including a Site Suitability Report (SSR) which covers the whole option (i.e. including element within KEMP);
- A comparison of the SSR for full Heckford option with the KEMP foreshore option SSR; and



-
- A comparison of the impact of the two options on KEMP (to include townscape / visual / park users).

Most of the other information required for the townscape/visual/ park users is within the documents but is hard to find and has not been presented in a comparative form.



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REPORT for

London Borough of Tower Hamlets

Thames Tunnel – Sites Reassessment Report (S48 stage)

T1908 – Thames Tunnel Review

Status: Final



13 September 2012



...intelligent strategy, responsible delivery



London Borough Tower Hamlets

Sites Reassessment Report (S48 stage)

T1908 – Thames Tunnel Review

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1. INTRODUCTION

1.1. Background to this Report

Temple Group has been commissioned by the London Borough of Tower Hamlets (LBTH) to re-affirm and expand upon the list of information that would reasonably be required so that consultees could make informed comment upon the proposals for both the KEMP Foreshore option and the Heckford Street option. This review was carried out in light of any new information provided by Thames Water (TW) relevant to the site selection process.

As the proposal has been developed by TW, so has the Environmental Impact Assessment (EIA) that forms a key component of the application. Many of the data requirements originally requested are now partially satisfied by the latest version of the Preliminary Environmental Information Report (PEIR), which will become the Environmental Statement. It is important to understand that this information that has recently become available (at S48 stage) is largely irrelevant to the preferred site selection decision, for the following reasons:

- The EIA process only covers the KEMP Foreshore Option with this increased detail of environmental information (i.e. not the Heckford Option); and
- The site suitability reports and resultant preferred site selection were based upon a level of environmental data available **at that point in time**, and it is that data (i.e. the data upon which the decision is based) that is important to view when assessing whether the site selection was carried out in a robust manner.

Subsequent to this LBTH has now commissioned Temple to carry out a high level option assessment of the KEMP Foreshore Option and the Heckford Street Option (including smaller site to north of KEMP) using the same assessment criteria and considerations as set out by TW in their Site Selection Methodology Paper. This report contains this assessment.

1.2. Purpose and Structure of this Report

This report sets out Temple's and LBTH's high level option assessment of the KEMP Foreshore Option and the Heckford Street Option (including smaller site to north of KEMP). It employs the same assessment criteria and considerations as set out by TW in their Site Selection Methodology Paper. However, importantly, it applies a weighted scoring system, to reflect their relative importance for the local community and the Council, in place of TW's use of the terms 'suitable', 'less suitable', 'not suitable' which assumed all considerations are of the same value. This will provide more transparency and robustness of the consideration of the preferred option. This report also reflects the format of the Site Suitability Reports compiled by TW to aid comparison. This report also assesses the Heckford Street and KEMP North option against the KEMP Foreshore option as TW's assessment of the Heckford Street option failed to take into account the KEMP north site.

As the overall need for a site is not contested but simply the relative merits of the two options against each other, this report uses a simple scoring system where '1' is allotted to the most suitable option of the two being considered. '0' will be assigned to the less suitable option. Where one option is no better or worse than the other, both will be assigned a '1' score. A weighting factor is then be applied by LBTH to give a final score for each element per option.



As both the Heckford Street Option (S024T and S025T) and the KEMP Foreshore option (C29XA) made it through to the 'final shortlist of shaft sites' within TW's own optioneering exercise, it is not proposed to reapply parts 1A and 1B of this process. TW prepared Site Suitability Reports and Engineering Option Reports for both options, followed by 'optioneering workshops', which resulted in the selection of a preferred option, and it is these stages that have been re-run.

A joint Temple / LBTH officer team undertook a fully assessment using the weighted scoring system. This is in response to TW's Section 48 Report on Site Selection Process (Volume 1: Main Report) response to Phase 2 consultation comments received on the KEMP Foreshore option (pg.185) which stated:

'We (TW) considered the additional information submitted, but there were no factors that we had not previously considered and the alternative views put forward by respondees were not in accordance with our site selection process (e.g. only considered a few specialist environment areas when assessing the potential suitability of sites and paid no regard to all the other disciplines and other specialist areas)...'

Within the Environment and Community criteria as specified on pp.33 of TW's S48 Report on Site Selection Process Temple has considered the following:

Environment

- Transport;
- Air Quality;
- Noise and Vibration;
- Built Heritage and Townscape;
- Community; and
- Identification of potential issues and impacts from the use of the site on the local community (i.e. open space and recreation).

Additionally, **LBTH officers** considered the following elements:

Environment

- Archaeology;
- Water Resources (hydrogeology and surface water);
- Flood risk;
- Land Quality, and
- Ecology (aquatic and terrestrial).

Planning

Community

Property

Engineering (aided by TW's Engineering Options Reports).

The assessments draw upon publicly accessible information, and information provided by TW within its Site Information Reports, Site Suitability Reports, Scheme Development



Report, Section 48 Report of Site Selection Process, and the additional information provided by TW during the Phase 2 consultation (received 2nd February 2012). This additional information comprised:

- Three weeks of ATC survey data and junction survey data for eight junctions with updates for three junctions;
- Parking survey data for six areas;
- Pedestrian and cyclist survey data;
- NO₂ data, and
- Noise and vibration baseline survey results for Heckford Street and KEMP.

No additional primary baseline information has been collected for this exercise.

1.3. London Borough of Tower Hamlets Engagement

TW's consultation was undertaken with LBTH on Phase 1 of the project proposals between September 2010 and January 2011. This was followed by Phase 2 consultation between November 2011 and February 2012. LBTH response to this second round of consultation was to oppose TW preferred "Foreshore Option" at KEMP, the adequacy of the consultation was also questioned as was the site selection methodology employed by TW. Importantly LBTH considers the environmental assessment underlying the site selection methodology relevant to the KEMP foreshore option was inadequate and the information provided by TW during this phase was insufficient to enable a full assessment of the options.

On the 29th of August 2012 LBTH undertook a workshop to inform its submission to the latest consultation. This high level option assessment of the KEMP Foreshore Option and the Heckford Street Option (including smaller site to north of KEMP) employed the same assessment criteria and considerations as set out by TW in their Site Selection Methodology Paper. However, it provided a weighting to the assessment criteria to reflect the importance of issues to the residents and users of the area and the Council.



2. SITE INFORMATION

2.1. Site and Surroundings

2.1.1. Heckford Street

The option site comprises two components, these are the Heckford Street industrial area (Heckford Street) which is also called the Highway Trading Centre and Highway Business Park; the second component is the northern part of the KEMP immediately to the south of the Highway.

The Heckford Street component is bounded to the north by Cable Street, to the east by Cranford Street, warehousing and a hotel, to the south by the Highway and to the west by Schoolhouse Lane. The areas around this site are predominantly residential in nature but with other uses interspersed. The site is accessed via Heckford Street from the Highway to the south.

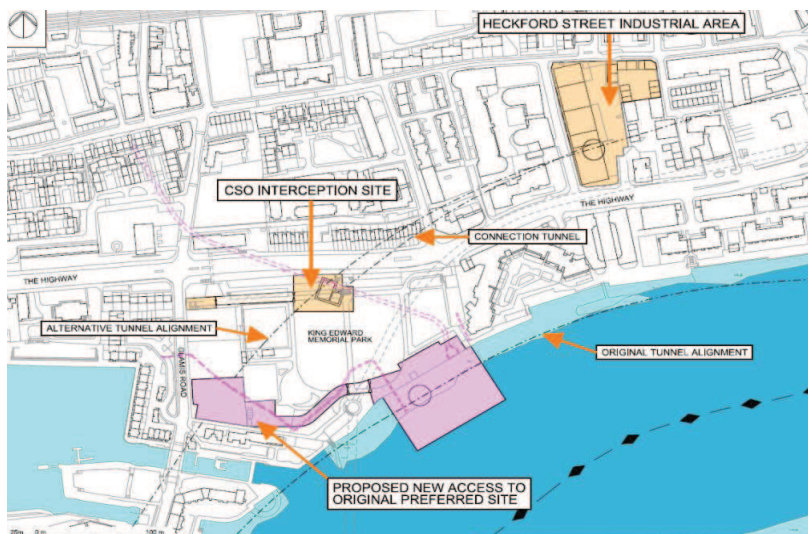
The North KEMP component comprises a portion of the northern part of the park. It is bounded to the north by the Highway with landscaped areas of the park to the other sides. Access to this area would be taken from Glamis Road to the west of the park and would run parallel to the Highway.

2.1.2. KEMP Foreshore

This site comprises the eastern half of the park riverside area and also encroaches into the riverside path, the foreshore and the river area in order to accommodate the full extent of the sewer shaft development. The eastern boundary of this site would abut residential development but the other boundaries would be within the park. Access would be taken from Glamis Road to the west and this access route would also accommodate an area for work compound and storage. This access route and compound area would be immediately to the north of residential development along Shadwell Pierhead.

Both the Heckford Street site components and the KEMP Foreshore site are shown on **Figure 2.1** below.

Figure 2.1 - Location of the KEMP Foreshore and Heckford Street/KEMP North sites





2.2. Type of Site

2.2.1. Heckford Street

The Heckford Street Industrial Area site would comprise the main sewer shaft and the north KEMP site would comprise the CSO interception site. These sites are shown along with the KEMP foreshore site on **Figure 2.1**.

2.2.2. KEMP Foreshore

The Kemp Foreshore site would accommodate the main sewer shaft and would also intercept the CSO.



3. ENGINEERING ASSESSMENT

3.1. Accessibility

Table 3.1: Accessibility

The Council applied this weighting because of the need for convenient access to the construction site and overall period of construction works.

Accessibility			Weighting 2
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	Easier road access.	1	2
KEMP Foreshore	Difficult road access. Construction of jetty will increase accessibility.	1	2

3.2. Construction Works Considerations

Table 3.2: Construction Work Considerations

The council applied this weighting because of the significant construction works and the potential engineering difficulties involved.

Construction Work Considerations			Weighting 3
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	This option has 2 sites with extra tunnel at a lower level, including tunnelling under buildings, raising concern about potential settlement.	0	0
KEMP Foreshore		1	3

3.3. Permanent Works Considerations

Table 3.3: Permanent Works Considerations

The council applied this weighting on the basis that the permanent works require little maintenance.

Permanent Works Considerations			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	Two sites to maintain. Requires extra vents.	0	0
KEMP Foreshore		1	1



3.4. Health and Safety

Table 3.4 Significant Health and Safety Issues

The council applied this weighting because the site works will be managed through the Code of Construction Practice and the likelihood of health and safety issues is small.

Significant Health and safety Issues			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	No significant health and safety issues envisaged.	1	1
KEMP Foreshore	No significant health and safety issues envisaged.	1	1



4. PLANNING ASSESSMENT

4.1. Planning History

Table 4.1: Planning History

The Council applied this weighting on the basis of limited planning history for both sites over the last 5 years.

Planning History			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	No significant extant planning permissions.	1	1
KEMP Foreshore	No extant planning permission, with exception of permission to upgrade the tennis courts, however; this holds no significant weight. There has been no change to this site for 5 years.	1	1

4.2. Local Development Framework Context

Table 4.2: Policy Context (Site Allocations – LDF)

The Council applied this weighting to acknowledge strength of Local Plan.

Policy Context: Site Allocations			Weighting 2
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	Site is within Local Industrial Area.	0	0
KEMP Foreshore		1	2

4.3. Other Policy Context

Table 4.3.1: Policy Context (Open Space/Land Policy)

The Council applied this weighting as open space in this part of the Borough is particularly important and therefore policies related to its protection are of special value to community.

Policy Context: Open Space / Land Policy			Weighting 3
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	Smaller area in KEMP affected for half the time (approx 1.5 years). Public open space.	1	3
KEMP Foreshore	Larger area in KEMP affected for double the time (approx 3.5 years). Public open space.	0	0



Table 4.3.2 Safeguarded Wharves

The Council applied this weighting on the basis of the lack of these receptors within the vicinity.

Safeguarded Wharves			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	None.	1	1
KEMP Foreshore	None.	1	1

Table 4.3.3 Thames Policy Area

The Council applied this weighting on the basis of the lack of type of area within the vicinity.

Thames Policy Area			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	Not within Thames Policy Area.	1	1
KEMP Foreshore	Not within Thames Policy Area.	1	1

Table 4.3.4 Opportunity and Regeneration Areas

The Council applied this weighting on the basis of the lack of these designated areas within the vicinity.

Opportunity and Regeneration Areas			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	Not a designated opportunity area.	1	1
KEMP Foreshore	Not a designated opportunity area.	1	1

4.4. Environmental Planning Designations

Table 4.4.1: Tree Preservation Orders

The Council applied this weighting on the basis of the lack of TPO's within the vicinity and due to trees of a certain size being protected within KEMP due to it being a Conservation Area.

Tree Preservation Orders			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	No Tree Preservation Orders.	1	1
KEMP Foreshore	No Tree Preservation Orders.	1	1



Table 4.4.2: Sites of Importance for Nature Conservation

The Council applied this weighting on the basis of the presence of a Site of Metropolitan Importance.

Sites of Importance for Nature Conservation			Weighting 2
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	Site of Borough Grade Importance affected.	1	2
KEMP Foreshore	Site of Metropolitan Importance affected. Site of Borough Grade Importance affected. Greater impacts upon access to nature (from a policy view point).	0	0

Table 4.4.3: Listed Buildings

The Council applied this weighting on the basis of no listed buildings being directly affected (although KEMP Foreshore option will pass adjacent to Rotherhithe Tunnel listed vent).

Listed Buildings			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	Development situated adjacent (across The Highway) to a Grade II listed building. Heckford Street site during construction will: <ul style="list-style-type: none"> Not harm the setting of the Free Trade Wharf Listed Building (LB). Redevelopment of the site post construction has the potential to: <ul style="list-style-type: none"> Improve the setting of the Free Trade Wharf LB. North KEMP site during construction will: <ul style="list-style-type: none"> Have some adverse impact on the setting of St Paul's Shadwell 	1	1
KEMP Foreshore	Development situated adjacent to a Grade II listed structure (Rotherhithe Tunnel Vent), affecting the setting during construction. Impacts upon setting are a material planning consideration. No listed building consent required. Setting of Rotherhithe Tunnel vent shaft may be enhanced during legacy. KEMP Foreshore site during construction will: <ul style="list-style-type: none"> Harm the setting of the Rotherhithe Tunnel Vent Shaft. (4.5yrs) Post construction: <ul style="list-style-type: none"> Some harm to the setting of the 	0	0



Listed Buildings			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
	Rotherhithe Tunnel Vent Shaft will remain.		

Table 4.4.4 Conservation Areas:

The Council applied this weighting on the basis that the impact is only temporary and the legacy may enhance Conservation Areas in the vicinity.

Conservation Areas			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	<ul style="list-style-type: none"> • Heckford Street site not within a conservation area • Site within park is within the conservation area; trees (>15cm) automatically protected • Negative impact on setting during temporary construction works (construction takes half the time compared to KEMP Foreshore development) • No significant positive impacts to conservation area • Conservation area character appraisal required • Heckford Street site during construction will: • Not adversely affect either the York Square CA or the Wapping Wall CA. • Redevelopment of the site post construction has the potential to: • Improve the setting of the York Square CA and the Wapping Wall CA. • North KEMP site during construction will: • Have some adverse impact on the setting of St Paul's Shadwell. • Reinstatement of the site post construction will be neutral with regard to the setting of St Paul's 	1	1
KEMP Foreshore	<p>Entire site is within the conservation area; trees (>15cm) automatically protected.</p> <p>No significant positive impacts to conservation area.</p>	0	0



Conservation Areas			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
	Negative impact on setting during temporary construction works (construction takes double the time compared to Heckford Street development).		

Table 4.4.5 Archaeological Priority Areas

The Council applied this weighting given the local designation of importance and local knowledge of the area.

Archaeological Priority Areas			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	Drill sites within areas locally designated areas of archaeological importance	1	1
KEMP Foreshore	Drill sites within areas locally designated areas of archaeological importance	1	1

Table 4.4.6: Protected Views

The Council applied this weighting given the lack of strategic/protected views in the vicinity.

Protected Views			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	<p>Not within a protected view.</p> <p>Even if the site was within a protected view, the structures are so low there would not be a significant impact.</p> <p>No mayoral protected views affected.</p> <p>Impacts on locally important view towards St Paul's Shadwell.</p> <p>Views of St Paul's Shadwell are listed amongst significant local views in the LBTH UDP (Chapter 2 Environment). The Core Strategy states that local views to be protected will be to be set out in the forthcoming Development Management DPD and Proposals Map.</p> <p>Views towards St Paul's referred to in the St Paul's CA appraisal are from Shadwell Basin.</p>	1	1
KEMP Foreshore	<p>Not within a protected view.</p> <p>Even if the site was within a protected view the structures are so low there would not be a significant impact.</p> <p>No mayoral protected views affected.</p> <p>Impacts on locally important river view from within the Wapping Wall CA.</p>	1	1



Table 4.4.7: Contaminated Land

The Council applied this weighting given present contamination risk levels and intended end uses of sites.

Contaminated land			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	NPPF policy. Legal obligation to declare land as safe and fit for use. Any land excavated that tests as contaminated must be disposed of (Increasing the cost). The Heckford Street option requires more excavation (to construct the tunnel linking the two sites).	1	1
KEMP Foreshore	NPPF policy. Legal obligation to declare land as safe and fit for use. Any land excavated that tests as contaminated must be disposed of (Increasing the cost).	1	1

Table 4.4.8: Air Quality Management Areas

The Council applied this weighting given that the whole Borough lies within an AQMA and the weight given this by the LDF/Core Strategy.

Air Quality Management Areas			Weighting 2
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	Within AQMA but not 'high exceedance areas'.	1	2
KEMP Foreshore	Within AQMA but not 'high exceedance areas'.	1	2

4.5. Transport Planning Designations

Table 4.5.1: Strategic Transport Routes

The Council applied this weighting given the previous Temple Report conclusion that the existing context of traffic flows in the area, the impact of either option is likely to be minimal.

Strategic Transport Routes			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	Both options impact The Highway, which is on SRN, but to a limited fashion. No permanent closures caused by development for either option.	1	1
KEMP Foreshore	Both options impact The Highway, which is on SRN, but to a limited fashion. No permanent closures caused by development	1	1



	for either option.		
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Table 4.5.2: Pedestrian and Cycle Routes

The Council applied this weighting given limited number of footpaths / cycle paths affected.

Pedestrian and Cycle Routes			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	Development won't affect cycle super highway. No direct impacts. Negative impact to footway to north of park (for a shorter time compared to KEMP Foreshore option – 1 ½ years).	1	1
KEMP Foreshore	Negative impact to footway Thames Path (significant diversion for a longer period of time compared to Heckford Street option – 3 ½ years). Possibility to enhance cycle route post construction.	0	0



5. ENVIRONMENTAL APPRAISAL

5.1. Transport

Table 5.1.1: Transport (Rights of Way and main footpaths)

The Council applied this weighting given the importance of the Thames Path which runs adjacent to the KEMP foreshore.

Transport: Rights of Way			Weighting 2
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	<p>Effects on pedestrian routes:</p> <ul style="list-style-type: none"> Impact on other road users, particularly pedestrians, could be minimised (dependent upon location of entrance/exit points); May be minimal disruption to pedestrians movement, especially along the frontage adjoining The Highway; Significant impact to the B126 Cable Street and all its primary usages, including pedestrians, if the site entrance/exit were to be located here; Potential impacts to the operational capacity of the signals for traffic movement at the North of KEMP (Glamis Road Junction with The Highway) to accommodate large vehicle turning movements, and Diverted pedestrian route may be necessary within the park. <p>Effects on cycle route(s):</p> <ul style="list-style-type: none"> Minimal impact on cycle amenity (subject to the position of the site entrance and exit); If the site entrance/exit were to be proposed on the B126 Cable Street, this is likely to have a significant impact to road and all its primary usages including cyclists, due to its current usage; Nil or minimal effect to the National Cycle Network Route 13, running along the Thames Path, and Potential impacts to operational capacity of the signals for traffic movement would cause a significant impact to cyclists as the advance stop lines would also require re-locating. 	1	2



Transport: Rights of Way			Weighting 2
Opinion	Rationale	Score	Total Weighted Score
KEMP Foreshore	<p>Effects on pedestrian routes:</p> <ul style="list-style-type: none"> Significant effect to pedestrian usage of the riverside walk and park area, that would need consideration through secure by design and any route changes be made DDA compliant; Any pedestrian route would require diversion or pedestrians prevented from walking in the immediate vicinity, and Enjoyment of this route for the purposes of leisure would be significantly affected. <p>Effects on cycle route(s):</p> <ul style="list-style-type: none"> Significant effect to cycle usage, any route currently used would have to be diverted, and Currently the KEMP site would appear to be part of the National Cycle Network Route 13 running along the Thames Path; as such any diversion may need approval by statutory provision and cycle track order if this route is diverted in a similar manner for a public footpath. 	0	0

Table 5.1.2: Transport (Other key transport routes)

The Council applied this weighting given the previous Temple Report conclusion that the existing context of traffic flows in the area, the impact of either option is likely to be minimal.

Transport: Other Key Transport Routes			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	<p>Effects on bus routes and patronage (Heckford Street):</p> <ul style="list-style-type: none"> Very likely possibility of higher HGV movements at Heckford Street Site (assuming barge movements are maximised at the KEMP Foreshore site) However, it is possibility for a net reduction in any traffic numbers if the existing/possible usage of the Heckford Street Industrial Area was discounted (due to loss of activity to accommodate the works) as this existing usage could possibly be higher than that of the construction works. In this case 	0	1



Transport: Other Key Transport Routes			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
	<p>there might be a positive impact to traffic flows on the Strategic Road Network,</p> <ul style="list-style-type: none"> Site vehicle movements are likely to take place along the Strategic Road Network at peak times and thereby could affect bus routes and cause delay to those using the A1203 The Highway, <p>Effects on London Underground and National Rail service, river services and patronage (Heckford Street):</p> <ul style="list-style-type: none"> Currently it is not believed that North of KEMP and the Heckford Street Industrial Area would have any effect on the above. <p>Effects on car and coach parking (Heckford Street):</p> <ul style="list-style-type: none"> No effect as A1203 The Highway is a Red Route with No Stopping restrictions in place, generally; Exit/entrance to B126 Cable Street is unlikely to have any effect as this is currently a one way street with “no waiting at any time” restrictions in place, and Any on-street parking to the north of the KEMP site, near Glamis Road, is likely to be suspended throughout the duration of the construction works; which may impact local residents. <p>Effects on highway layout, operation and capacity (Heckford Street):</p> <ul style="list-style-type: none"> TfL is likely to impose time restrictions on HGV movements during peak times and this will either prolong the contract/ construction period or intensify the amount of HGV traffic outside of peak times; Construction may have positive impacts on the overall traffic volumes when considered against existing and potential site traffic generation; It is very likely that the Junction of Glamis Road/The Highway will have to be reconfigured to cater for HGVs movements regardless of whether the KEMP Foreshore or the North of KEMP site was 		



Transport: Other Key Transport Routes			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
	<p>considered;</p> <ul style="list-style-type: none"> If Heckford Street Industrial Area was considered suitable, then the best configuration would be a left in/ left out entrance on the A1203 The Highway. With all out bound traffic travelling eastbound along the A1203 – A126 – A13 and inbound traffic using the A13 – A11 – A1202 – B126 – A12010 – A1203, and The advantage of this is that the proportion of two way traffic moving through the A1203/A126 junction could be significantly less in comparison to all traffic moving to and from the KEMP Foreshore scheme through this junction, especially if the movement of materials by barge is not fully optimised. 		
KEMP Foreshore	<p>Effects on bus routes and patronage (KEMP Foreshore):</p> <ul style="list-style-type: none"> It is possible and very likely that the number of HGVs could be significantly higher than what is currently estimated, especially if the foreshore site isn't fully optimised for barge movements and the transportation of materials; As such, site vehicle movements are likely to take place along the Strategic Road Network at peak times and thereby could affect bus routes and cause delay to those using the A1203 The Highway, and It is very likely TfL would insist that hours of HGV movement are curtailed during peak traffic hours. (Further work and evidence would be required to support or discount this hypothesis by Thames Water). <p>Effects on London Underground and National Rail service, river services and patronage (KEMP Foreshore):</p> <ul style="list-style-type: none"> Currently it is not believed that KEMP Foreshore scheme would have any effect on the above. <p>Effects on car and coach parking (KEMP Foreshore):</p> <ul style="list-style-type: none"> Currently it is believed that Glamis Road would be likely to have all 	1	1



Transport: Other Key Transport Routes			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
	<p>parking suspended throughout the duration of the construction works and this may have an impact on local residents.</p> <p>Effects on highway layout, operation and capacity (KEMP Foreshore):</p> <ul style="list-style-type: none"> • If the Foreshore site isn't fully optimised for barge movements for the transportation of materials then there may be very little difference between both options. Both options could have similar impacts to the Strategic Road Network during peak times; • If Thames Water can demonstrate to the contrary and that the river usage is maximised fully, there will still be some impact to strategic road network; • TfL are likely to impose time restrictions on HGV movements during peak times and this will either prolong the construction period or intensify the amount of HGV traffic outside of peak times; • It is very likely that the Junction of Glamis Road/The Highway will have to be reconfigured to cater for HGV movements regardless of whether the KEMP Foreshore Scheme or the North of KEMP/Heckford Street Industrial Area was progressed. This will have to meet the approval of TfL to minimise impact to signalised junction operation and highway network capacity; • If the KEMP Foreshore scheme doesn't fully utilise that potential of using the Thames for materials delivery/removal throughout the construction period then the overall effect to this junction would be significantly higher than other options; • All offsite traffic is likely to be two way traffic moving through the A1203/A126 junction. This could have significant impacts for this junction, especially with increased queue lengths. As such TfL may insist that this is minimised throughout the working day or restrictions imposed on movement 		



Transport: Other Key Transport Routes			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
	<p>times, especially if barge operations are not fully maximised or for any other reason barge operations are curtailed, and</p> <ul style="list-style-type: none"> The use of barges is weather and tide dependant and that this network may from time to time have to be utilised during weekends, evenings and night time periods to meet any tidal/weather windows, and as such this may have some bearing on other factors such as dust/noise and pollution during these times as opposed to the North of KEMP and the Heckford Street Industrial Area where traffic could more evenly managed. 		

5.2. Archaeology

Table 5.2: Archaeology

The Council applied this weighting given the local designation of importance and local knowledge of the area.

Archaeology			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	Site within locally designated area of archaeological importance.	1	1
KEMP Foreshore	Site within locally designated area of archaeological importance.	1	1

5.3. Built Heritage and Townscape

Table 5.3.1: Built Heritage

The Council applied this weighting on the basis of the limited number of directly affected heritage assets (and those assets importance to the local community).

Built Heritage			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	<p>Heckford Street site during construction will:</p> <ul style="list-style-type: none"> Not adversely affect either the York Square CA or the Wapping Wall CA; Not harm the setting of the Free Trade Wharf Listed Building (LB); <p>Redevelopment of the site post construction has</p>	1	1



Built Heritage			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
	<p>the potential to:</p> <ul style="list-style-type: none"> • Improve the setting of the York Square CA and the Wapping Wall CA, and • Improve the setting of the Free Trade Wharf LB. <p>North KEMP site during construction will:</p> <ul style="list-style-type: none"> • Adversely affect the character and appearance of the Wapping Wall CA. (1.5yrs); • Have some adverse impact on the setting of St Paul's Shadwell, and • Reinstatement of the site post construction will be neutral with regard to the Wapping Wall CA and the setting of St Paul's. 		
KEMP Foreshore	<p>KEMP Foreshore site during construction will:</p> <ul style="list-style-type: none"> • Significantly adversely affect the Wapping Wall CA as a result of the loss of some of the most significant river views in the CA. (4.5yrs), and • Harm the setting of the Rotherhithe Tunnel Vent Shaft. (4.5yrs) <p>Post construction:</p> <ul style="list-style-type: none"> • Some harm to the setting of the Rotherhithe Tunnel Vent Shaft will remain, and • The river extension will potentially have an adverse impact on the Wapping Wall CA. 	0	0

Table 5.3.2: Townscape

The Council applied this weighting on the basis of limited townscape value of the area (and the importance of this townscape to the local community).

Townscape			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	<p>Heckford Street site during construction will:</p> <ul style="list-style-type: none"> • Not adversely affect either the York Square CA or the Wapping Wall CA, and • Not harm the setting of the Free Trade Wharf Listed Building (LB). <p>Redevelopment of the site post construction has the potential to:</p> <ul style="list-style-type: none"> • Improve the setting of the York 	1	1



Townscape			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
	<p>Square CA and the Wapping Wall CA, and</p> <ul style="list-style-type: none"> • Improve the setting of the Free Trade Wharf LB. <p>North KEMP site during construction will:</p> <ul style="list-style-type: none"> • Adversely affect the character and appearance of the Wapping Wall CA. (1.5yrs); • Have some adverse impact on the setting of St Paul's Shadwell, and • Reinstatement of the site post construction will be neutral with regard to the Wapping Wall CA and the setting of St Paul's. 		
KEMP Foreshore	<p>KEMP Foreshore site during construction will:</p> <ul style="list-style-type: none"> • Significantly adversely affect the Wapping Wall CA as a result of the loss of some of the most significant river views in the CA. (4.5yrs), and • Harm the setting of the Rotherhithe Tunnel Vent Shaft. (4.5yrs). <p>Post construction:</p> <ul style="list-style-type: none"> • Some harm to the setting of the Rotherhithe Tunnel Vent Shaft will remain, and • The river extension will potentially have an adverse impact on the Wapping Wall CA. 	0	0

Table 5.3.3: Townscape (Views)

The Council applied this weighting on the basis of the importance of local views in the area.

Townscape: Views			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	<p>Heckford Street site during construction would result in:</p> <ul style="list-style-type: none"> • Minor adverse impacts on public views and impacts are capable of mitigation; • Major adverse impacts on views from residential properties on Schoolhouse Lane (3.5yrs); • Post construction there is potential to improve townscape views, and • None of the views are protected views. 	1	1



Townscape: Views			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
	<p>North KEMP site during construction would have:</p> <ul style="list-style-type: none"> • Major adverse impacts on views within KEMP and from The Highway. Mitigation would lessen but not removing these impacts (1.5yrs); • Locally significant view towards St Paul's Shadwell would be affected, and • Redevelopment of the site post construction would have a neutral impact on townscape views. 		
KEMP Foreshore	<p>KEMP foreshore during construction would result in:</p> <ul style="list-style-type: none"> • Major adverse impacts on views from within KEMP (4.5 yrs.); • Loss of river views (4.5 yrs.); • Significant adverse impacts on views from adjacent sections of the Thames Path (4.5 yrs.); • Major adverse impacts on views from residential properties in Free Trade Wharf (4.5 yrs.); • None of the views are protected views however views of the river from KEMP are described in the Wapping Wall CA Appraisal as the most significant river views within the CA, and • Post construction additional views down the River Thames from the foreshore extension would be created. Existing views along the river edge would be changed. On balance this is considered to have a neutral impact on townscape views. 	0	0

Table 5.3.4: Townscape (Open Space)

The Council applied this weighting on the basis of the quality of the character of the open spaces affected by proposals.

Townscape: Open Space			Weighting 2
Opinion	Rationale	Score	Total Weighted Score
Heckford Street (Inc. site in north of KEMP)	<p>Heckford Street Site – no loss of open space, no change to the contribution that open space makes to the current townscape character.</p> <p>North KEMP site during construction would</p>	1	2



	<p>result in:</p> <ul style="list-style-type: none"> • Loss of 2,200m² of designated open space (1.5 yrs.); • Disturbance to (potential loss of) formal recreational facilities as a result of adjacent construction access, and • Post construction no change in open space provision, no change to the contribution that open space makes to the current townscape character. 		
KEMP Foreshore	<p>KEMP Foreshore during construction would result in:</p> <ul style="list-style-type: none"> • Loss of 4,700m² of designated open space (4.5 yrs.); • Loss of formal recreational facilities (hard surfaces sports pitches and tennis court) and disturbance for retained formal sports facilities as a result of adjacent construction access (4.5 yrs.); • Loss of bandstand and river seating (4.5 yrs.); • Potential for improvement in relocated children's playground; • Post construction open space provision increased by 2050m, and • No significant improvement to the contribution that the open spaces makes to the current townscape character 	0	0

5.4. Water Resources – Hydrogeology and Surface Water

Table 5.4.1: Water Resources (Surface Water)

The Council applied this weighting on the basis of the water quality of potentially affected surface water bodies (e.g. River Thames and Shadwell Basin).

Water Resources: Surface Water			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	No impact.	1	1
<i>KEMP Foreshore</i>	Potential impact to River Thames.	0	0



Table 5.4.2: Water Resources (Ground Water)

The Council applied this weighting on the basis of only a minor aquifer being potentially affected (low groundwater vulnerability).

Water Resources: Ground Water			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	Both sites within same minor aquifer.	1	1
<i>KEMP Foreshore</i>	Both sites within same minor aquifer.	1	1



5.5. Ecology

Table 5.5.1: Ecology (Aquatic)

The Council applied this weighting on the basis of the Site of Metropolitan Importance (SINC) status designation of the River Thames and foreshore

Ecology: Aquatic			Weighting 2
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	No impact..	1	2
<i>KEMP Foreshore</i>	Within sight of metropolitan importance (Thames foreshore).	0	0

Table 5.5.2: Ecology (Terrestrial)

The Council applied this weighting on the basis of the Site of Borough Importance (SINC) status designation of KEMP, but did not take into account 'enjoyment of open space' and 'access to nature' which will be considered elsewhere.

Ecology: Terrestrial			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	Small site in northern area of park (less biodiversity assets) – SINC of Borough importance. Main sites no impacts upon terrestrial ecology.	1	1
<i>KEMP Foreshore</i>	Construction site adjacent to wildflower area. KEMP site will affect SINC of Borough and Metropolitan importance. Borderline impacts to a diverse area on the northern foreshore. Larger negative impacts than the Heckford Street option, however , long term positive impact potential if land extension effectively planted.	1	1



5.6. Flood Risk

Table 5.6: Flood Risk

The Council applied this weighting on the basis of both of the proposed development not being sensitive to flooding.

Flood Risk			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	Both options involve sites within flood risk zones 3/2. This type of development isn't particularly sensitive to flooding. Involves increasing area of hard standing over previously permeable areas.	1	1
<i>KEMP Foreshore</i>	Both options involve sites within flood risk zones 3/2. This type of development isn't particularly sensitive to flooding. Does involve works to river wall.	1	1

5.7. Air Quality

Table 5.7.1: Air Quality (Construction)

The Council applied this weighting on the basis of a highly sensitized local population to this environmental impact

Air Quality: Construction			Weighting 3
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	Increased impact dust at this site as sensitive receptors are closer to the development area. Could be mitigated through dampening materials. Site within an AQMA. Demolition of existing structures. Duration of construction over 5 years. More dust generating activities such as concrete crushing. Additional mitigation measures required. <ul style="list-style-type: none"> • More lorry movements. Sensitive receptors potentially closer to site activities.	0	0



	Two sites are associated with this option.		
<i>KEMP Foreshore</i>		1	3

Table 5.7.2: Air Quality (Operation)

The Council applied this weighting on the basis of Thames Water projections that odour emissions are likely to be extremely rare.

Air Quality: Operation			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	<p>Heckford site microclimate might cause containment.</p> <p>Sensitive receptors potentially closer to the vent shaft.</p> <p>Perceived intensity of any odour emissions potentially stronger.</p>	0	0
<i>KEMP Foreshore</i>	<p>KEMP Foreshore likely to facilitate dispersal of any odours.</p> <p>Sensitive receptors are further away from the vent shaft.</p> <p>Perceived intensity of any odour emissions potentially fainter.</p>	1	1

5.8. Noise and Vibration

Table 5.8.1: Noise and Vibration (Construction)

The Council applied this weighting on the basis of a highly sensitized local population to this environmental impact.

Noise and Vibration: Construction			Weighting 3
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	<p>Demolition will be required for site will be a temporary source of high noise levels throughout the site; however, mitigation should be easier at Heckford Site.</p> <p>Residential properties to north of Highway should not be significantly impacted by site to north of park due to background traffic noise levels.</p> <p>Upper floors of residential to the west will have direct line of site – and be nearest shaft site.</p> <p>Similar noise levels and proximities to residential receptors occurred at the Crossrail shaft sites in Stepney Green (similar existing context in terms of traffic noise levels). Drawing upon this experience, the Council is confident these noise impacts at Heckford Street could be effectively mitigated.</p>	1	3



Noise and Vibration: Construction			Weighting 3
Opinion	Rationale	Score	Total Weighted Score
	<p>The high brick wall between Heckford industrial estate and Cranford Cottages will create a noise buffer.</p> <p>The new housing on School House Lane overlooking the Heckford Street Site is provided with an acoustically robust facade in order to protect against the existing relatively high noise levels from traffic on The Highway; this will also help mitigate noise from any construction works on the Heckford Street site.</p> <p>The duration of piling for the shaft head is likely to be substantially less than piling for the coffer dams at Kemp Foreshore as the circumference of the shaft head is much shorter than the length of the perimeter of the double coffer dam.</p> <p>The closet approach of the piling for the shaft head to noise sensitive premises is further than for the Kemp Foreshore.</p>		
<i>KEMP Foreshore</i>	<p>The area at free trade wharf has very low background noise, building the cofferdam will have a significant impact which will not be easy to mitigate.</p> <p>Working hours are tide dependant, so may have to work out of hours.</p> <p>Construction traffic noise impacts are likely from the haul route and site access road for the residents of the cottages along the Shadwell Basin access canal; and less so for the dwellings on the western side of the southern section of Glamis Road.</p> <p>The duration of piling for the coffer dams is likely to be substantially more than the piling for the shaft head at Heckford Street due to the much longer perimeter of the double coffer dam and the potential complexities of piling in effectively a marine environment subject to a large tidal range.</p> <p>The closest approach of the piling for the coffer dams to noise sensitive premises is closer than at Heckford Street.</p> <p>There are no existing features or structures that could be retained to act as noise barriers.</p> <p>None of the nearest existing noise sensitive receptors are provided with acoustic measures that could help mitigate the impacts.</p>	0	0



Table 5.8.2: Noise and Vibration (Operation)

The Council applied this weighting on the basis of Thames Water projections about minimal operational noise levels.

Noise and Vibration: Operation			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	Will need to be in line with BS4142.	1	1
<i>KEMP Foreshore</i>	Suggested expansion of tranquil area, although no set standards for tranquil areas. Will need to be in line with BS4142.	1	1

5.9. Land Quality

Table 5.9 Land Quality

The Council applied this weighting on the basis that both sites have been subject to a Part IIa Assessment (EPA, 1990) and contamination levels are appropriate to present uses

Land Quality			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	All spoil should be taken off site and treated. The contamination levels should be reduced to comply with whatever the final land use is. Potential cost issue.	1	1
<i>KEMP Foreshore</i>	TW have indicated that site to be returned to park use (i.e. present soil contamination levels within park should be minimal in line with that required for publicly accessible open space).	1	1



6. COMMUNITY ASSESSMENT

6.1. Impacts on Local Community

Table 6.1.1: Impacts on Local Community (Community Facilities)

The Council applied this weighting given that only one community facility is likely to be indirectly affected by either proposal

Impacts on Local Communities: Community Facilities			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>		1	1
<i>KEMP Foreshore</i>	Potential impacts to Shadwell sailing school.	0	0

Table 6.1.2: Impacts on Local Community (Local Businesses)

The Council applied this weighting given the value of affected business to the local community and Borough.

Impacts on Local Communities: Local Businesses			Weighting 2
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	Impacts upon the Highway Business Park and Heckford St Business Park.	0	0
<i>KEMP Foreshore</i>		1	2

Table 6.1.3: Impacts on Local Community (Open Spaces and Recreational Areas)

The Council applied this weighting based on the park's value as an open space to the local community in terms of its amenity value (e.g. playspace, access to nature etc.).

Impacts on Local Communities: Open Spaces and Recreational Areas			Weighting 3
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	<p>The smaller site to the north of the park needed for the Heckford Option is needed for approximately half the amount of time, and is seen by the community as a less important part of the park.</p> <p>Heckford Street Site – no loss of open space.</p> <p>North KEMP site during construction would result in:</p> <ul style="list-style-type: none"> Loss of 2,200m² of designated open space (1.5 yrs.) in a valued park of the Park; Disturbance to (potential loss of) formal recreational facilities as a result of adjacent construction 	1	3



Impacts on Local Communities: Open Spaces and Recreational Areas			Weighting 3
Opinion	Rationale	Score	Total Weighted Score
	<p>access, and</p> <ul style="list-style-type: none"> • Post construction no change in open space provision. 		
<i>KEMP Foreshore</i>	<p>Affects a larger area of the park for approximately twice as long, including the Thames Path.</p> <p>During construction KEMP Foreshore during construction would result in:</p> <ul style="list-style-type: none"> • Loss of 4,700m² of designated open space (4.5 yrs.) including in the most highly valued part of the Park; • Loss of formal recreational facilities (hard surfaces sports pitches and tennis court) and disturbance for retained formal sports facilities as a result of adjacent construction access (4.5 yrs); • Loss of bandstand and river seating (4.5 yrs.); • Potential for improvement in relocated children's playground, and • Post construction open space provision increased by 2050m. <p>The question here is whether the permanent increase in public open space outweighs the loss of a more valued, larger area for longer during the construction period. The conclusion is that it does not outweigh it because the additional space is further from the areas deficient in open space than the existing Park and the area lost during the construction period is a more valued part of the Park.</p>	0	0



7. PROPERTY ASSESSMENT

7.1. Ownership and Tenancy Details

Table 7.1: Ownership and Tenancy Details

The council applied this weighting because of the procedural implications of identifying ownerships and tenancy arrangements

Ownership and Tenancy Details			Weighting 2
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	Need to negotiate with many owners and tenants so discussions may become protracted – assumed that CPO processes will be need to be run in parallel to avoid last minute delays. Acquisition of open space in KEMP will requires public consultation but requirements may be limited due to temporary nature of acquisition but depends on tenure arrangements.	1	2
<i>KEMP Foreshore</i>	Acquisition of open space in KEMP will require public consultation but requirements may be limited due to temporary nature of acquisition but depends on tenure arrangements. Higher procedural / political risk because the land is a publicly owned and well used open space with the likelihood of significant resistance to its acquisition. Heckford Street alternative requires smaller site in KEMP and for a shorter time so acquisition more straightforward and less controversial.	1	2

7.2. Crown Land and Special Land

Table 7.2: Crown Land or Special Land

The council applied this weighting because this is not a consideration for these sites

Crown Land and Special Land			Weighting 1
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	No crown land or special land	1	1
<i>KEMP Foreshore</i>	No crown land or special land	1	1



7.3. Property Valuation and Site Acquisition Costs

Table 7.3: Property Valuation and Site Acquisition Cost

The council applied this weighting because this is a significant factor in choosing sites

Property valuation and Site Acquisition Costs			Weighting 3
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	<p>More expensive to purchase land initially but possible return on the investment given potential redevelopment value of the Heckford Street site – precedent set at Chambers Wharf. Possibility of more intensive or mixed use subject to planning constraints.</p> <p>Market for resale of Heckford Street site likely to be more buoyant in 2020 than when bought in 2014/15.</p> <p>Potential costs given need for multiple negotiations with landlords / tenants and for running CPO process in parallel.</p>	1	3
<i>KEMP Foreshore</i>	<p>Initial cost of land much cheaper given open space use – however need for substantial reinstatement afterwards (including foreshore itself) will increase overall cost</p> <p>Need to go through special parliamentary procedure unless replacement open space can be found.</p>	1	3



7.4. Disturbance Compensation

Table 7.4: Disturbance Compensation

The council applied this weighting because of the potentially significant costs involved

Disturbance Compensation			Weighting 3
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	<p>Compensation will depend on nature of leases of existing tenants.</p> <p>Potential relocation compensation as a result of disturbance</p> <p>Increased compensation for larger numbers of buildings affected by tunnelling</p>	0	0
<i>KEMP Foreshore</i>		1	3

7.5. Off-site Statutory Compensation

Table 7.5: Off-site Statutory Compensation

The council applied this weighting because of the limited impact in this area

Off-site Statutory Compensation			Weighting 2
Opinion	Rationale	Score	Total Weighted Score
<i>Heckford Street (Inc. site in north of KEMP)</i>	<p>Potential for large numbers of properties impacted by noise, however, given context of traffic noise, levels are not likely to trigger 'alternative accommodation' compensation measures.</p> <p>Potential insulation compensation needed</p>	1	2
<i>KEMP Foreshore</i>	<p>Background noise at this site is low so impact is increased particularly for cofferdam piling period.</p> <p>Alternative accommodation may need to be provided, and this type of compensation package can become very expensive (as based on the value of home).</p>	0	0



8. REASSESSMENT CONCLUSIONS BY OVERARCHING CRITERIA

The following table draws together the scores from the LBTH workshop and from Temple's reassessment of the two options identified which are included in the preceding tables. These scores are based on the information supplied by TW in its consultation documents and from observations at the sites.

Table	Factor	Weighting	Score		Weighted		Weighted	
			Heckford	Foreshore	Score	Score	Total	Total
					Heckford	Foreshore	Heckford	Foreshore
3.1	Accessibility	2	1	1	2	2		
3.2	Construction Work Considerations	3	0	1	0	3		
3.3	Permanent Works Considerations	1	0	1	0	1		
3.4	Significant Health and Safety Issues	1	1	1	1	1		
	Total Engineering		2	4	3	7	30.0	70.0
4.1	Planning History	1	1	1	1	1		
4.2	Policy Context (Site Allocations - LDF)	2	0	1	0	2		
4.3a	Policy Context (Open Space / Land Policy)	3	1	0	3	0		
4.3b	Safeguarded Wharves	1	1	1	1	1		
4.3c	Thames Policy Area	1	1	1	1	1		
4.3d	Opportunity and Regeneration Areas	1	1	1	1	1		
4.4a	Tree Preservation Orders	1	1	1	1	1		
4.4b	Sites of Importance for Nature Conservation	2	1	0	2	0		
4.4c	Listed Buildings	1	1	0	1	0		
4.4d	Conservation Areas	1	1	0	1	0		
4.4e	Archaeological Priority Areas	1	1	1	1	1		
4.4f	Protected Views	1	1	1	1	1		
4.4g	Contaminated Land	1	1	1	1	1		



Table	Factor	Weighting	Score	Score	Weighted	Weighted	Weighted	Weighted
			Heckford	Foreshore	Score	Score	Total	Total
					Heckford	Foreshore	Heckford	Foreshore
4.4h	Air Quality Management Areas	2	1	1	2	2		
4.5a	Strategic Transport Routes	1	1	1	1	1		
4.5b	Pedestrian and Cycle Routes	1	1	0	1	0		
	Total Planning		15	11	19	13	59.4	40.6
5.1a	Transport (Rights of Way)	2	1	0	2	0		
5.1b	Transport (Other key issues)	1	0	1	0	1		
5.2	Archaeology	1	1	1	1	1		
5.3a	Built Heritage	1	1	0	1	0		
5.3b	Townscape	1	1	0	1	0		
5.3c	Townscape (Views)	1	1	0	1	0		
5.3d	Townscape (Open Space)	2	1	0	2	0		
5.4a	Water Resources (Surface Water)	1	1	0	1	0		
5.4b	Water Resources (Ground Water)	1	1	1	1	1		
5.5a	Ecology (Aquatic)	2	1	0	2	0		
5.5b	Ecology (Terrestrial)	1	1	1	1	1		
5.6	Flood Risk	1	1	1	1	1		
5.7a	Air Quality (Construction)	3	0	1	0	3		
5.7b	Air Quality (Operation)	1	0	1	0	1		
5.8a	Noise and Vibration (Construction)	3	1	0	3	0		
5.8b	Noise and Vibration (Operation)	1	1	1	1	1		
5.9	Land Quality	1	1	1	1	1		
	Total Environment		14	9	19	11	63.3	36.7
6.1a	Impacts on Local Community	1	1	0	1	0		



Table	Factor	Weighting	Score	Score	Weighted	Weighted	Weighted	Weighted
			Heckford	Foreshore	Score	Score	Total	Total
					Heckford	Foreshore	Heckford	Foreshore
	(Community Facilities)							
6.1b	Impacts on Local Community (Local Businesses)	2	0	1	0	2		
6.1c	Impacts on Local Community (Open Spaces and Recreational Areas)	3	1	0	3	0		
	Total Community		2	1	4	2	66.7	33.3
7.1	Ownership and Tenancy Details	2	1	1	2	2		
7.2	Crown Land or Special Land	1	1	1	1	1		
7.3	Property Value and Site Acquisition Cost	3	1	1	3	3		
7.4	Disturbance Compensation	3	0	1	0	3		
7.5	Off-site Statutory Compensation	2	1	0	2	0		
	Total Property		4	4	8	9	47.1	52.9
	Overall Totals weighed and unweighed		37.0	29.0	53.0	42.0		
	Overall Total of all Factors including Weighting						266.4	233.6

8.1. Engineering

The above table indicates that when taking into account the weighted scores the KEMP Foreshore option is clearly the preferable option in relation to the identified engineering considerations.

8.2. Planning

The above table indicates that when taking into account the weighted scores the Heckford Street option is the preferable option in relation to the identified planning considerations.

8.3. Environment

The above table indicates that when taking into account the weighted scores the Heckford Street option is clearly the preferable option in relation to the identified environmental consideration.



8.4. Community

The above table indicates that when taking into account the weighted scores the Heckford Street option is clearly the preferable option in relation to the identified community considerations.

8.5. Property

The above table indicates that the KEMP Foreshore option is marginally preferable to the Heckford Street option when considered against the identified property considerations.

8.6. Overall Recommendations

It is evident that the preferable option varies depending on the area of consideration and the weighting attached to specific issues within each area of consideration. It is not surprising therefore that when the combined scores for all the areas of consideration are taken into account the overall scores for the two options are similar. However, Heckford Street option can be seen as the preferred option by approximately 33 points. This equates to a score 14% greater for the Heckford Street option than the KEMP Foreshore option.

As noted above this assessment has been based on the information made available by TW through its consultation process and through observations at the option sites. The results of this assessment indicate that the selection of the KEMP Foreshore as the preferred option is not supported when the factors considered in the options appraisal are weighed to take account of the importance of these factors to the local population and LBTH. It is therefore suggested that there is sufficient justification for both of these options to have been carried forward by TW and subject to more detailed analysis before a preferred site was selected.



APPENDIX 1

Sources of Information



-
- Section 48 Project Description and Environmental Info Report
 - Heckford St Industrial Area Information Paper
 - Thames Water - King Edward Memorial Park Foreshore: Key Facts;
 - King Edward Memorial Park Foreshore: Site Information Paper;
 - Thames Water - Thames Tunnel Project Information Paper: Transport;
 - Project information paper – Changes;
 - Project information paper – Site Selection;
 - Thames Water – Section 48: Transport Strategy (Summer 2012)
 - Thames Water – Section 48: Report on site selection process: Volume 5 Eastern Site Appendices R to W (Summer 2012)
 - Thames Water – Volume 5 Section 23 Tower Hamlets Section 48 Publicity Plans Section 48 Plans for Tower Hamlets
 - Thames Water - Code of Construction Practice Part A: General Requirements;
 - Thames Water - Site Selection background technical paper: Phase 2 consultation;
 - LB Tower Hamlets - Assessment of the KEMP Foreshore and Heckford Options - Nigel Legge Associates; and,
 - LB Tower Hamlets - Review of the Thames Tunnel Preliminary Information Report – LUC and Cascade Consulting.
 - Summary of Key Data;
 - Preliminary environmental information report Non-technical summary;
 - Preliminary environmental information report Volume 1: Introduction;
 - Preliminary environmental information report Volume 5: Assessment methodologies;
 - Preliminary environmental information report. Volume 23: King Edward memorial Park Foreshore Site assessment CSO interception site;
 - Phase two scheme development report Part One Main Report;
 - Phase two scheme development reports. Part two: Appendices. Appendix S – King Edward Memorial Park Foreshore;
 - Design Development report. Appendix S - King Edward Memorial Park Foreshore;
 - Site Selection Methodology Paper;
 - Site Selection phase Two Consultation extracts from Table 2.2 and table 2.3 –CSO and main tunnel intermediate sites in London Borough of Tower Hamlets;
 - Site Suitability report C29XA King Edward memorial Park Foreshore;



- Site suitability report S024T and S025T. The Highway Trading Centre and Business Park, Heckford Street;
- Interim engagement report;
- Code of construction practice Part A: General requirements;
- KEMP Plans; and
- Book of Plans.

In addition, Temple discussed the availability of information and key issues with Rachel Yorke (Project Manager – Development Team) at London Borough of Tower Hamlets.



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Agenda Item 6.3

Committee/Meeting: Cabinet	Date: 3 October 2012	Classification: Unrestricted	Report No: (CAB 037/123)
Report of: Corporate Director Aman Dalvi Originating officer(s) Owen Whalley – Service Head – Planning and Building Control		Title: The Mayor for Tower Hamlets’ Community Faith Buildings Support Scheme Wards Affected: All	
Lead Member		Cllr Alibor Choudhury	
Community Plan Theme		One Tower Hamlets	
Strategic Priority		Securing Sustainable Communities	

1.0 SUMMARY

- 1.1 This report sets out proposals for the introduction by the Mayor of Tower Hamlets of a Community Faith Buildings Support Scheme. Its purpose will be to offer assistance to faith communities in maintaining and improving buildings in which faith based activities occur.
- 1.2 The report describes how the scheme will provide funding and guidance through a grants programme operated by the Council. This will focus on repairing, adapting and improving faith buildings, particularly those costly buildings inherited by communities which are expensive to maintain and therefore at risk of falling into disrepair. It lays out steps to achieve this and how this will help consolidate the vibrant faith diversity within the Borough. The Scheme will run for three years commencing in 2012 with a budget of £2 million.

2.0 DECISIONS REQUIRED

The Mayor in Cabinet is recommended to:

- 2.1 Agree the establishment of the Community Faith Buildings Support Scheme;
- 2.2 Authorise the Corporate Director of Development and Renewal after consultation with the Lead Member for Resources to establish and manage the Community Faith Buildings Support Scheme for 2012-15,

with grant decision-making following the process to be adopted for the Grants Panel to ensure coordination of all grant moneys being awarded by the Council and to define and recruit to the post of Community Faith Buildings Programme Officer.

3.0 REASONS FOR THE DECISIONS

- 3.1 Tower Hamlets Community Plan sets out that the borough has historically been home to a mix of communities. Waves of migration to the borough included the Flemings in the 14th century, French Huguenots in the 17th century, the Jewish community, Irish Catholics, and Chinese; Bangladeshis in the mid-20th century and more recently Somali, and Eastern European communities.
- 3.2 The Evidence Base (appendix) illustrates how this diversity has brought about a significant legacy of important historic and more modern faith buildings, as many of the borough's historic faith communities have erected buildings both as places of worship and to serve social needs of communities past and present. There are also non-purpose built sites which have been used and adapted by faith communities. Whilst many of these are valuable assets – they are also a costly inheritance and meeting the cost of maintaining, adapting and repairing these often historic sites, is a significant financial challenge for a number of faith communities. Additionally smaller and newer faith communities who are making use of non-purpose built buildings have different problems adapting accommodation to meet their needs.
- 3.3 Tower Hamlets benefits from its diverse, vibrant and engaged faith communities. They play an essential role in delivering the Community Plan to 2020 and in achieving the objective of One Tower Hamlets. This is delivered through these faith communities' key role in service provision and their unique ability to engage the local community. An important strand of their work is delivered through their buildings in use for a wide range of faith-based purposes.
- 3.4 These buildings are at the heart of their communities and are often important architecturally as well as socially, appearing on both the Local and Statutory lists of Listed Buildings and forming focal points in the borough's 58 Conservation Areas. A significant group of Listed faith buildings within the borough are included on the English Heritage Register of Heritage at Risk. The 2011 register includes eight faith buildings and associated structures, the condition of which ranges by English Heritage's definition from very bad to poor. Historic buildings because of their age, architecture and construction are often more expensive to maintain and adapt than more recent buildings.
- 3.5 The Tower Hamlets Religion/Belief Equality Scheme 2009-12 highlights that one of the main issues that limits the potential of faith

communities in their use of buildings relates to the age and condition of buildings and the capacity of groups running buildings to bring forward improvements. Detailed as:

- (i) The condition/suitability of existing buildings limit their use for the delivering of services, where local faith communities lack resources to make the necessary adjustments to enable this to happen, including making substantial repairs, or the installation of better facilities.
- (ii) The capacity of faith communities to engage strategically as organisations, can also limit their ability to bring forward new proposals. This ranges from knowledge of how to plan viable development projects or access to appropriate advice or funding.

3.6 The Council can offer financial, or other assistance, to faith buildings under its “power of general competence” in the Localism Act 2011 as to do so will deliver the objectives stated above as set out in the Council’s Community Plan, supported by the Strategic Plan and Third Sector Strategy.

4 ALTERNATIVE OPTIONS

Option 1: No Fund

- 4.1 An alternative option is to determine that the Mayor for Tower Hamlets Community Faith Buildings Support Scheme is not deemed a recommended course of action and therefore considered not appropriate for grant support by the Council.
- 4.2 However whilst there is an existing, very modest, grant mechanism in place for heritage assets; this is narrow in its dissemination and thus fails to address the needs of all buildings. Buildings are a costly asset for faith communities, and consequently there is a significant demand for repairs, adaptations and improvements to faith based buildings, especially for those communities who no longer have a significant numerical presence locally and are therefore less able to lever in financial support, but are part of the multi-faith heritage of the borough requiring continuing support.
- 4.3 The Council would miss an opportunity to provide real support for many community based organisations in a difficult economic climate.

Option 2: Reduced Fund – amended categories

- 4.4 The scheme as devised and set over 3 years at £2 million provides significant funding which will make a difference to many community

faith based groups and organisations. The category approach identified below (Type A, B and C grants) enables a range of buildings/groups with varying capacities to be supported. If resources are reduced the breadth that the proposed scheme would allow either in number of buildings/groups or categories would be similarly narrowed in scope.

- 4.5 There are advantages in the proposed form of the scheme because it enables a range of community faith buildings to be supported.

Option 3: All Community Buildings

- 4.6 The Council already operates a range of grants which support third sector organisations in the provision of their services in the borough. Additionally, the Council operates a Historic Building Grant scheme for heritage assets. Planning contributions, where negotiated, may also be available for buildings. There are also a number of other grant schemes for non-faith buildings, including those operated by the National Lottery, English Heritage and charitable sources.
- 4.7 The Community Faith Buildings approach provides an area of specific identified need which the existing very limited heritage funds have highlighted. However, the Scheme will be giving opportunities to groups across all faiths over the whole of the Borough. It is not exclusive to one faith or another.

5 BACKGROUND

- 5.1 Following concerns about the legal powers of local government bodies restricting what those bodies could do the government promoted the Localism Act 2011. This gives the Council “a general power of competence” which allows it to do anything an individual could do unless it is specifically prohibited from doing so. This means the Council can offer assistance to Faith Communities in furtherance of its Community Plan objectives.
- 5.2 In exercising this power, a local authority should have regard to their strategy which is set out in the Council’s Community Plan.
- 5.3 The Community Faith Buildings Support Scheme will deliver the aims of the following key Council documents:

(i) *Tower Hamlets Community Plan 2009 - 2020*

To deliver the Community Plan the Council understands the need to work differently: smarter and more innovatively. In this current financial context efficient use of resources is paramount, the Community Plan efficiency agenda emphasises that significantly

reduced budgets mean that we will have to do things differently, more efficiently, maximising resources to produce better outcomes – in order to continue providing vital services.

Maintaining and maximising the use of existing community buildings, in this case used for faith based purposes, will be able to contribute to that agenda and contribute to meeting Objective 5 of the Community Plan: Providing effective local services and facilities – the delivery of which is set out in the Local Development Framework with Third Sector Organisation delivery partners.

Additionally, by ensuring faith communities have a continuing stake in the life of the borough; the Support Scheme will assist in delivering the aims of ‘One Tower Hamlets’ which runs throughout the Community Plan. The aims that would be delivered against are around reducing inequalities and poverty, strengthening cohesion and making sure our communities continue to live well together through the delivery of the Scheme.

(ii) Third Sector Strategy

The aim of the Council’s Third Sector Strategy is to create an environment for a thriving Third Sector in Tower Hamlets. Consultation has highlighted 5 key areas in which the Council can make a real difference to the Third Sector. Objective 5 for premises sets out that our objective is to support high quality premises for the Third Sector to satisfy the key premises requirements of the Third Sector. The Community Faith Building Support Scheme assists the Council in achieving these objectives for faith communities.

Whilst premises themselves are only one factor in ensuring the delivery of Third Sector services, they are a fundamental building block in improving service outcomes; providing a place for the community to come together and thus contributing to community cohesion. Third Sector organisations need to have access to appropriate and affordable space. The scheme will enable existing buildings owned/long leased and used by faith groups to be used more effectively in the future, particularly in relation to energy efficiency Health and Safety and access issues to the benefit of the community.

The Third Sector Strategy sets out the Council’s objectives for the funding of Third Sector Organisations, in that these should be transparent, efficient and to reflect local needs. Transparency should ensure there will be a fair process with clear decision making criteria. Efficiency should ensure Third Sector Organisations will be dealt with consistently and that the Council ensures maximum value for money through this engagement. In reflecting local needs we should ensure that funding reflects local aspirations. The Council will recognise this

in the Strategy - that obtaining maximum value from the Third Sector required funding, including giving grants to support valued activities.

The Faith Buildings Grant support scheme will, as set out in the Strategy introduce an open application for grant aid against defined criteria – together with monitoring of organisational health and evaluation of delivery.

6.0 BODY OF THE REPORT

- 6.1 This report sets out steps to establish a Community Faith Buildings Support Scheme for three years (2012-2015) to help meet the needs of Tower Hamlets faith communities. The scheme at a practical level will consist of a Faith Buildings Grant Programme. It is open to all faiths to apply.

The Community Faith Buildings Support Scheme & Grant Programme

- 6.2 The Community Faith Buildings Grant Programme will increase the flow of funding to community faith groups who own or lease premises for:

- the repair and maintenance of buildings inclusive of the site and boundary walls. This will include addressing Health and Safety issues;
- improvements to buildings inclusive of the site and boundary walls. This will include adaptations to improve accessibility, improvements to deliver energy efficiency and security;
- It is also proposed to assist faith groups to plan and develop projects to improve buildings with grant assistance for professional fees.

- 6.3 The scheme is designed to deliver sustainable, appropriate assistance for these works to existing faith buildings where the costs of maintenance, repair and improvement are the responsibility of a local faith organisation. The scheme is for assistance to existing faith-based buildings only and is not for funding the establishment of new premises by faith groups. The scheme will cover only formally constituted faith groups who meet other detailed eligibility criteria.

The Grants Programme Resources

- 6.4 The Grants Programme will have a total of £2 million pounds from Council funds and will be spread over three years. This will breakdown to be approximately:

£1,800,000 for capital grants across categories below;
£200,000 (10%) for Programme Management

The Grant Categories

6.5 The Programme is aimed at meeting a broad selection of buildings/groups with differing needs and across all faiths and will consider applications in the following categories:

- **Type A grants.** This will be aimed at delivering more modest financial assistance to community faith buildings and congregations for works of repair, alteration, modification or improvement where they are in poor condition, or where there are other specific barriers to use, such as costs of repair and maintenance. It is proposed that these grants should be capped at £75,000. For these grants, the Council will look flexibly at ownership and leasehold arrangements on a case by case basis.
- **Type B grants.** This will be for substantial grant assistance to community faith buildings identified through the process as being significant to the community and/or part of existing regeneration plans within the Local Development Framework and associated documents, which could receive major capital assistance. It is proposed that these grants should be capped at £300,000 at a rate of 100% of the costs where there is no match-funding available. These buildings will need to be owned or leased on long leases by the community faith group applying as the sum is potentially so significant.
- **Type C grants.** This is for professional support for organisations in pursuit of developing valid bids for Type A and B Grants to assist groups in achieve their overall aims of building improvement or development. This would include support for example in commissioning architects, quantity surveyors or engineers services where required. It is proposed that these grants should be capped at £10,000.

Project Management

6.6 The Support Scheme will be led from Development and Renewal. Alongside the appointed Programme Manager, it will include a lead officer from the Directorate Resources teams for financial monitoring auditing and compliance, risk management and programme and project control. Specific advice on the grant process operation will be obtained from other sections in Development & Renewal as appropriate, specifically advising on building selection, surveying and repairs.

6.7 The Scheme will be run by a dedicated Community Faith Buildings Programme Officer funded from the programme for three years. This

role should be established at a P04 level salary (£37,851 - £40,506). The post will also carry a budget to support advertising, marketing material/grant packs and any other activity required to deliver the programme. The post holder's focus will be the day-to-day project management involved in delivering the Faith Buildings Grant Programme. This will include:

- Help congregations maintain and make best use of their buildings
- Help faith communities in the borough take a strategic approach to the use and conservation of historic places of worship.
- Setting up and administering the full Grants process across all Grant types (A, B and C) including defining in detailed requirements;
- Prepare all reports for the Grants Panel which includes Members and Officers for recommendation to the Mayor for a decision;
- Prepare formal advertising and marketing for the scheme;
- Undertake set-up and/or subsequent discussions with Advisory Groups such as the Interfaith Forum and individual Faith Groups across the Borough and develop approaches to involvement through the three years to ensure a robust, co-ordinated and consistent programme;
- Gather evidence and monitor the effectiveness of the programme preparing an Annual Report;
- Completing detailed Equalities Assessments and gathering Equalities information;
- Ensuring that Programme Risk Management processes are integrated into the Council's approach to Risk Management including appropriate identification on Risk Register's and identifying suitable mitigations;
- Advice and/or assistance as appropriate/relevant with all formal permission and permit/licence processes required for planning and heritage, building control, heritage and operational considerations. Acting as a link into the Council and other stakeholder organisations where necessary. E.g. Faith Bodies, Local Housing providers, other public bodies or in some cases private organisations.
- Develop a sustainable approach which could then be maintained in some form going forward if required. This can also help to address with raised expectations in the community.

Delivery and Operation

- 6.8 A bidding process will be established through the Council's existing Grants Panel; for Type A and Type C grants this will be by application against published criteria to be circulated to all formally constituted relevant faith groups (it will also be generally publicised), for which there will be two bidding rounds per year;

- 6.9 For larger type B grants for capital intensive works to key buildings, there will be two grant giving rounds per annum; in view of the work involved in preparing larger schemes, a single stage process is proposed, but the process will offer up to two initial pre-bid meetings with applicants, which will lead on, to a full application to the Grants Panel. The formal pre-bid process in discussion with the Council should be no longer than 4 weeks so resources and energy can remain focussed. It is understood that for Type B grants the development of the actual bid may be longer.
- 6.10 Beyond the key principle a more detailed eligibility and operational criteria is being developed for each Type of Grant. All grant applications will be assessed against an agreed criteria and the decision made strictly in accordance with that criteria. It is anticipated that the grant programme will be very popular and to manage expectations it will need to operate consistently.
- 6.11 It is proposed this criteria, not the principle, will all be discussed in draft with the Interfaith Forum before being finalised but is likely to include:
- Any formal organisational constitution requirements/bona fides;
 - Grantees will enter into legally binding agreements to ensure compliance with the Scheme. These agreements will set out the performance criteria and monitoring arrangements. In appropriate cases the performance of the works to be funded by the grant may be secured by a legal charge on the property. Confirmation requirements as a faith group and confirmation that the building is used principally by a faith group(s) or has a significant faith group use;
 - Property ownership or leasehold details with unexpired lease length requirements (asset creation and use);
 - For Type A and B grants detailed information on accounts and operation of the organisation to ensure it has capacity to manage projects at scale being bid for;
 - For Type C grants detailed information on current capacity of the group and an assessment of capacity to manage in the future.
 - Grants will be for up to 100% of costs of professional fees or works dependant on proof of the availability of other match-funding to faith groups from different sources;
 - Confirmation of all necessary insurances and approvals to-date;
 - Restrictions on number of applications. E.g. only one Type A or Type B application will be considered by an organisation. If making a Type C grant it will support an application for an A or B grant.
 - Where a public building is primarily used for faith purposes, the scheme will meet costs in relation to this use, and costs will be identified accordingly. Ancillary faith buildings will be included, for example church halls where they fulfil all the same conditions as

the principal building, i.e. their sole, or main use, is as a place in use by a faith group. Burial grounds and other public space outside faith buildings, inside their boundary, will also be included.

- Works carried out to repair or to maintain the fabric of faith buildings will be eligible. External fabric includes foundations, walls, roofs, rainwater goods, drainage, windows and doors (this covers maintenance to a window as well as repair).
- Internal surfaces, floors, stairs, joinery, plumbing, heating and electrical installations and supplies will also be eligible. Priority will be given to works necessary for Health & Safety reasons or that result in an upgrade of the services, or where access to a building is going to be improved.
- The grant programmes are not intended to provide things to fit out buildings/kitchens such as dishwashers, cookers, micro-waves and other fixed or portable electronic goods such as IT equipment, TV's and other smaller goods such as kettles.
- Claims for surveys, reports and investigations will be additionally accepted as part of the grant as appropriate. Any fees undertaken prior to the associated work, will be reclaimable for all or part of the works to which they relate. They will also be eligible where they form part of a professional fee invoice in planning for works to take place.

6.12 The Programme will be publicised at the start of each year (or in year 1 as soon as ready) and is open to all faith groups; payable in response to any successful application will be 100% of project costs including professional, set-up fees and VAT. Payments will be made on receipt of invoices for work completed with stage payments to be discussed in more detail but all processes have to align with LBTH Financial Regulations and compliance will be mandatory. Funding will not be granted in advance of works, except where this involves project set-up costs.

6.13 The grant funding allocation profile is initially set at:

Year 1: Up to £900k

Year 2: Up to £900k

Year 3: Remaining resources from these two years.

Programme costs are pro-rata as needed across the three years.

6.14 Additionally, to help sustain activity, Development and Renewal will create a dedicated Tower Hamlets information resource for faith buildings to include comprehensive tailored information, grant form packs and other material to support the scheme. This will include printed information and application forms for written completion as well as dedicated web-based resources. As part of this process it can also gather and monitor continued evidence of need, possibly emerging over-time as a condition survey.

Decision Making Process

- 6.15 The Council's existing Grants Panel will be the mechanism which will be used to make and determine grant awards. The Panel will be advised in their decision making, by an officer body which will include officers from a building background, Finance and Legal Officers. It is proposed it would meet quarterly to consider grant applications and make recommendations for final decisions by the Mayor on grant awards (the first sittings will be closer together to get the programme launched). Following approval of grant applications, monitoring and review of works detailed in the grant applications would be reported back to the Panel by officers to ensure effective governance and value for money criteria are met. This would include an Annual Scheme Report.
- 6.16 To ensure transparency of the grants process the Council will publish annually details of all successful applications, as well as report on numbers received and the amount of grant offers made together with the claims made. Clear outputs for the project and bidding criteria will allow assessment of the success of bids post-implementation, and establish effective audit and adjustment mechanisms for the scheme within its three year life.

Next steps and Timing

- 6.17 There are a number of key steps which are accompanying this process. They are running concurrently in places and in others will continue throughout the three year initiative, either through monitoring and adjustment or through evidence gathering and analysis. The timing is draft, and subject to formal approvals being given and this approach endorsed. Consistent delivery to timetable will depend primarily on resource availability.

Anticipate all to be completed by the end of October 2012.

Step 1: Officers are continuing to develop the detailed eligibility criteria and delivery mechanism set-up requirements of the full Scheme. This will continue and depending on Cabinet decision will then be finalised and readied. It will include preparing all the forms, information packs, guidance notes.

Step 2: Running concurrently will be the preparation of draft marketing, advertising and publicity material.

Step 3: Recruitment processes will be readied subject to Cabinet approval to go out to recruit a Project Manager.

Step 4: Interfaith forum discussions to ensure details are workable in practice.

Step 5: Grants Decision Making Mechanism finalised, agreed and meetings scheduled.

Step 6: Year 1 process to be advertised for A, B and C type grants.

Anticipate all to be completed by end of November 2012.

Step 6: Receipt of First Round TypeA, B and C grant applications.
Assessments, first Grants Panel sits.

Step 7: Announcement of First Grant Awards.

Step 8: First projects commence from now.

New Rounds launched in April 2013.

Step 9: The process will be prepared for further rounds.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 This report seeks approval for the establishment of a specific budget to primarily award grants to faith based groups to facilitate effective asset management of local community assets.
- 7.2 Officers have conducted a review of General Fund reserves and have identified sufficient funding to finance the first year of the scheme. These resources are no longer required for their original purpose, and so initially £900,000 will be set aside for 2012-13, with financing for later years being considered as part of the on-going 2013-14 budget process. Due to the specialist nature of the grants, it is recommended that £200,000 should be top-sliced for client side project management and technical support costs, including the funding of a Community Faith Buildings Programme Officer post as outlined in paragraph 6.7.
- 7.3 The report sets out the basis on which grants will be awarded. It will be important that grants are awarded in accordance with a scheme that ensures best value for the use of Council resources.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1 In addition to the general power of competence contained in Section 1 Localism Act 2011 which gives the Council power to do anything that individuals generally may do unless specifically prohibited by law the Council has various statutory powers, which enable it to provide grant funding to organisations to undertake a variety of activities.
- 8.2 Section 111 of the Local Government Act 1972 enables local authorities to do anything, including incurring expenditure, borrowing or lending money or acquiring or disposing of any property or rights, which facilitate or are conducive or incidental to the discharge of their functions.

- 8.3 Section 3 of the Local Government Act 1999 requires best value authorities, including the Council, to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”.
- 8.4 The current report deals with the procedures to be followed in relation to the submission and award of such grant funding for the maintenance of faith based buildings. It is within the Council’s powers to determine the system which it wishes to operate to manage the submission and award process. The method proposed by officers would be an acceptable method to adopt to deal with this exercise as it demonstrates a fair and transparent process and shows how the projects will be monitored to ensure the proposals of the faith organisations are fulfilled. The final decision on grant applications will be made by the Mayor on recommendation from the Grants Panel.

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 The Tower Hamlets Community Plan recognises that faith/religion continues to play a prominent role in the lives of many of the borough’s population with the Census indicating 80% of the population claiming a religious belief. It also gives recognition to the richness of Tower Hamlets in its physical and cultural assets. We are a unique borough in terms of the pattern of religion/belief; whilst 80% of residents claim a religious belief, the third largest religion/belief is people who have no religious belief. The history of the borough as a ‘jumping off’ point for new communities has contributed the religious diversity of the area, and consequently to the number and diversity of buildings in faith use – both new and old.
- 9.2 The Council’s new Religion/Belief Equality Scheme notes that many faith communities, predominantly Jewish and Anglican and Catholic Christian, have historic listed buildings which are expensive to maintain and therefore are at risk of falling into disrepair and are vulnerable to vandalism. Conversely a number of newer faith communities in the borough make use of historic buildings and need to adapt them for use by congregations. The appointment of an officer who could work with this range of faith groups would not only assist faith communities to better meet the needs of their own communities and protect and preserve historic places of worship, but would also encourage faith groups to work more closely with the Interfaith Forum and other local partners.
- 9.3 Preserving the multi-faith heritage of the borough, and adapting these buildings for today’s needs is a key way of strengthening cohesion and addressing an existing inequality for some faith communities

through inadequate buildings, particularly where these drain significant resources from groups and prevent new small communities from being able to engage with the wider community.

- 9.4 An Equalities Analysis (appendix) has been completed for this proposal. The scheme is justified in terms of available evidence and by the Council's aim to promote good relations between different faith groups/no faith groups. The delivery mechanism which will be discussed with the Interfaith Forum will ensure that it brings benefits to the wider/non religious community.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 The implementation of the Mayor for Tower Hamlets Community Buildings Support Scheme is expected to have a positive effect on the environment, retaining existing buildings in use, improving their efficiency and making improvements to the environment generally. Additionally, many buildings will be historic assets to be maintained for future generations, as set out in the Council's Conservation Strategy.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 A detailed Risk Assessment will accompany the scheme and risk management, compliance and auditing will be built into the programme to ensure good practice. The main risk that has been identified is that once given funding, organisations would carry out work that wasn't approved or not carry out any of work grant aided to them. This will be managed through strong governance of the Scheme. Payments will only be made in arrears on receipt of invoices for eligible work completed. Clear outputs for the project and bidding criteria will allow assessment of the success of bids post-implementation, and establish effective audit and adjustment mechanisms for the scheme.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 The Grant Scheme will encourage improvements in the quality of our borough's faith based buildings, positively impacting security and the provision of a better environment.

13 EFFICIENCY STATEMENT

- 13.1 The Community Faith Buildings Support Scheme will involve a significant amount of joined up working between the Council and the

Third Sector and will require the efficient and better use of resources leading to the better and advanced use of existing facilities.

14 APPENDICES

14.1 None.

Local Government Act, 1972 Section 100D (As amended) List of “Background Papers” used in the preparation of this report

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
1. Evidence Base relating to the Mayor for Tower Hamlets Community Faith Buildings Support Scheme	Andrew Hargreaves x5576
2. Equalities Analysis	Andrew Hargreaves x5576

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Agenda Item 6.4

Committee/Meeting: Cabinet	Date: 03 October 2012	Classification: Unrestricted	Report No: (CAB 038/123)
Report of: Corporate Director: Aman Dalvi Originating officer(s) Adam Walther		Title: Asset Management and Value for Money - Scrutiny Working Group Report Wards Affected: All wards	

Lead Member	Councillor Alibor Choudhury - Lead member for Resources
Community Plan Theme	A Great Place to Live, One Tower Hamlets
Strategic Priority	Work efficiently and effectively as one council

1. **SUMMARY**

- 1.1 This report submits the report and action plan in response to the review recommendations of the Scrutiny Working Group on Asset Management and Value for Money.

2. **DECISIONS REQUIRED**

The Mayor in Cabinet is recommended to:-

- 2.1 Consider this report of the scrutiny working group and agree the action plan in response to the review recommendations.

3. **REASONS FOR THE DECISIONS**

- 3.1 Significant reductions in both revenue and capital budgets has meant that the council has had to seek savings from every part of the organisation. An area which does not always receive the scrutiny and exposure as many service areas is in the management of the councils assets which number approximately 875. The scrutiny review group therefore sought to address this gap in our corporate understanding of asset management and efficiency.
- 3.2 The review group was established to look into how effectively the council is managing its stock, and in doing so, whether it is delivering value for money for its residents. The review addressed both capital and revenue spend – in both how the council manages its buildings, and how it manages energy use.

4. **ALTERNATIVE OPTIONS**

- 4.1 To take no action. This is not recommended as the proposed recommendations are strategic, measurable and attainable, and clearly address the council's need to better manage its assets. A timetable for delivering the recommendations has also been agreed by officers at the most senior levels of the organisation. The action plan is outlined in appendix 3.
- 4.2 To agree some, but not all recommendations. As outlined above all of the recommendations are achievable at little additional cost to the organisation. The review group deliberately chose to limit the recommendation to five, to ensure that action plans could be met, and agreed proposals held to account by councillors. Although the scrutiny review group is confident all the recommendations will be addressed, there may be reasons for not accepting all of them.

5. **BACKGROUND**

- 5.1 The working group was established in January 2012 to investigate how the council could improve the delivery of value for money when managing assets, both in capital and revenue terms.
- 5.2 The aim of the review was to bring to light a clearer understanding of how our assets are managed, and the energy costs of maintaining them. One year on from the publication of the Asset Strategy the review was particularly timely. The objectives of the review were to:
- Develop an understanding of how the council manages the costs of its assets in terms of both capital and revenue expenditure
 - Add value in recommending improvements with a focus on value for money and an understanding of legislative changes
 - Investigate how effectively the council manages energy efficiency and recommend improvements

6. **BODY OF REPORT**

The report investigates areas of significant spend and impact on council services. A core focus was on ensuring financial efficiency in managing council assets, and makes the following five recommendations to improve this area of council work:

Asset Management

- R1. That the Asset Management Team provide a report on the viability of centralising asset management, i.e. moving towards a corporate landlord model.
- R2. That the Asset Management Team develop a framework and provide a resource to enable current and potential tenants to make more energy efficient use of community assets.

Energy Efficiency

- R3. That the Sustainable Development Team investigate incentives for all users of council assets to become energy efficient. This would include staff, schools and the third sector.
- R4. That the Sustainable Development Team provides a regular report on our performance against our carbon management commitments as outlined in the Carbon Management Plan 2009.
- R5. That Corporate Finance provide greater clarity on energy costs and that this is reflected transparently in budget reports where appropriate.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 Overview and Scrutiny Committee are asked to agree the recommendations of the Scrutiny Working Group on asset management and value for money. The recommendations relate both to overall asset management issues and more specifically to improving energy efficiency across the asset portfolio.
- 7.2 With regard to the former, work is in train to assess the viability of centralising the management of assets under one directorate (a 'corporate landlord' model). The costs associated with this will be assessed in accordance with an appropriate business case. Similarly the directorate is developing a community assets register and reviewing for processes for the external body utilisation of Council owned community assets. Again that work stream will be contained within existing directorate resources.
- 7.3 With regard to the energy efficiency recommendations, investigating incentives for enhancing best value, reporting on performance and better reporting of energy costs, the associated costs are primarily staff related and would have to be funded from compensatory opportunity savings within Development and Renewal.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1 The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants and may make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions. It is consistent with the Constitution and the statutory framework for the Executive to provide a response.
- 8.2 The scrutiny report is primarily concerned with increasing efficiency in the management of the council's commercial property portfolio. This objective is consistent with the council's obligation as a best value authority within the meaning of the Local Government Act 1999. Section 3 of the Local Government Act 1999 requires the council to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness".
- 8.3 To the extent that the council required any additional source of power to pursue particular recommendations, such as in relation to energy efficiency, this may be found on the Council's general power of competence in section 1 of the Localism Act 2011. The general power enables the council to do anything that individuals generally may do, subject to such restrictions and limitations as are imposed by other statutes.
- 8.4 Before agreeing the proposed action plan, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't.

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 A consistent approach to assets supports effective service provision. The report specifically recommends that a clear framework and resource are provided to better enable those using our buildings to make more efficient use of council assets.
- 9.2 An effective approach to asset management contributes to One Tower Hamlets in relation to reducing inequality and meets our public sector Equality Duty. Delivering the recommendations will lead to greater transparency in how the council is managing its assets and allows community groups and residents to better understand where and how

money is spent on our assets. Greater transparency allows more residents to become engaged with the area of asset management.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 A core part of this report centres around energy efficiency and provides recommendations which further sustainable action for a greener environment. The report recommends that incentives are investigated to ensure that assets become more energy efficient and make a lower impact on our environment.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1. Risks relating to the recommendations will be monitored through the council's corporate risk register and directorate risk registers. Risks are assessed for likelihood and impact, and will have responsible owners and programmes of mitigating actions.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 There are no direct implications of crime and disorder as a result of the recommendations of this review.

13. EFFICIENCY STATEMENT

- 13.1 The basis of the scrutiny review is to ensure greater value for money and efficiency when managing council assets and makes recommendations to this effect.

14. APPENDICES

Appendix 1: Asset Management and Value for Money - Scrutiny Working Group Report

Appendix 2: Energy Costs – evaluation and breakdown of sectors

Appendix 3: Tower Hamlets Energy Consumption 2009/10

Appendix 4: Scrutiny review action plan

List of “Background Papers” used in the preparation of this report

Brief description of “background papers”

Name and telephone number of holder and address where open to inspection.

None

N/A

Appendix 1

**Asset Management and Value for Money -
Scrutiny Working Group Report**



London Borough of Tower Hamlets
May 2012

Acknowledgements

The working group would like to thank all the officers and partners that supported this Review. Most importantly we would like to thank Basit Ali, Head of Asset Strategy, John Coker, Strategic Housing Manager, Sian Pipe, Energy Manager and Abdul Khan, Sustainable Development Manager.

Working Group Chair:

Councillor Sirajul Islam

Working Group Member:

Councillor Helal Uddin

Development and Renewal Directorate:

Jackie Odunoye	Interim Head of Development and Renewal
Ann Sutcliffe	Head of Strategic Property
Basit Ali	Head of Asset Strategy, Asset Management
John Coker	Strategic Housing Manager
Sian Pipe	Energy Manager
Abdul Khan	Sustainable Development Manager

Chief Executive's Directorate:

Adam Walther Strategy, Policy and Performance

External:

None, it was not possible to find a suitable expert witness within the timescales of this review.

Chair's forward

Councillor Sirajul Islam Chair of Working Group, Scrutiny Lead, Resources

Following the Spending Review 2010, the council is faced with a reduction central government grant income of approximately £84m over four years. This includes reductions in revenue income of over 30% and capital funding reductions of over 45%. This involves a significant programme of cost reductions which is being sought from all areas of the council with difficult decisions having to be implemented.

An area which does not always receive the scrutiny and exposure as many service areas is in the management of the councils assets which number approximately 965. This is a significant service area, and one which offers numerous opportunities to make savings. Any reduction in net spend through improved asset management allows the council to invest in service provision, highlighting the importance of this area.

The review group was established to look into how effectively the council is managing its stock, and in doing so, whether it is delivering value for money for its residents. Although a short period of three months placed some restriction on our scope, we were able to review both capital and revenue spend – in both how the council manages its buildings, and how it manages energy use.

I am pleased to present a report which addresses significant areas of council spend clearly and concisely. I have found many examples of effective asset management, and officers which are working hard to deliver value for money through our portfolio, often in difficult circumstances. However, the review group has identified some areas of weakness, and room for improvement in delivering value for money.

Asset management is a large and complex area of council work, and one which a small scale review would not be able to cover. Nevertheless, this report provides some significant recommendations which we believe will improve the way in which the council manages its assets, and will save the council money in the longer term.

Summary

The scrutiny review group sought to establish the progress made in implementing the council's Asset Strategy which was adopted in February 2011 and to assess the extent to which it is achieving its aims of delivering improved value for money. Drawing on council documents, work from other councils, best practice and interviews, the review group analysed how the asset management team manage capital expenditure, and how the strategy, regeneration and sustainability team manage the energy costs of running the councils buildings, a significant part of revenue expenditure.

The primary aim of the review was to ensure that the council was taking value for money seriously, and where it was felt this was not the case, to offer recommendations for improvement. In the short timescales available to the group the conclusion drawn was that the council is working well in its drive to become more efficient with fewer resources.

Key Findings

1. That the council takes value for money seriously and has adopted a number of strategies and measures to implement this in practice in relation to Asset Management.
2. That the bringing together of numerous asset management functions has achieved greater efficiency. Examples of measures taken to improve efficiency are outlined in this report.
3. That the management of council assets has not been fully centralised – school buildings are managed by colleagues in Children, Schools and Families. However there has been significant progress in building a corporate asset management function and expanding this is being explored as a possible avenue for future savings.
4. The cost of energy are significant but fluctuations in energy prices has a greater influence on spend than energy use. Therefore allocating energy costs to a specific budget holder is not viable since costs are dependent to a large extent on global fluctuations in energy prices. Nevertheless, energy use should be monitored so that we are spending the smallest amount possible on energy at any point in time. Energy use and costs should therefore be outlined more clearly in council budget reports where possible.
5. That through our membership of the government energy supply contract the council has been able to access the achieve best value on energy costs. However, where energy costs are met by the council clearer incentives are required by all users of council properties to ensure that they are acting as energy efficiently as possible.
6. That the move out of Anchorage House will achieve significant energy savings, but that further detailed and final savings are yet to be confirmed.
7. That the council has made progress towards achieving its goal of reducing carbon emissions by 25% by 2012 as outlined in Carbon Management Plan

2009. So far the council made 4.7% reductions in carbon emissions 2008-2010. However, a full report is required to assess current progress.

The research and findings have led to a number of recommendations.

Report Recommendations

Asset Management

- R1. That the Asset Management Team provide a report on the viability of centralising asset management, i.e. moving towards a corporate landlord model.
- R2. That the Asset Management Team develop a framework and provide a resource to enable current and potential tenants to make more energy efficient use of community assets.

Energy Efficiency

- R3. That the Sustainable Development Team investigate incentives for all users of council assets to become energy efficient. This would include staff, schools and the third sector.
- R4. That the Sustainable Development Team provides a regular report on our performance against our carbon management commitments as outlined in the Carbon Management Plan 2009.
- R5. That Corporate Finance provide greater clarity on energy costs and that this is reflected transparently in budget reports where appropriate.

1. Background and methodology

- 1.1 The management of the council's 875 (non-housing) assets is a key part of council strategy. All council services require robust asset management to function effectively. In addition the Council owns 80 buildings which are used by third sector and community groups and ensuring these are managed effectively is key to enabling these groups to operate effectively.
- 1.2 The Corporate Asset Strategy agreed by Cabinet in February 2011, provided the backbone to the scrutiny review. The Strategy set out the following four key objectives agreed in 2011:
- To support and enhance service delivery, ensure user satisfaction and meet broader council objectives
 - To ensure that the council meets all its statutory obligations and that buildings are fit for purpose, in terms of location and condition
 - To ensure value for money in management, maintenance and use of land and buildings
 - That the procurement of works for buildings ensures sustainable design and that the buildings are maintained and managed in a way that maximises their energy efficiency
- 1.3 The review group therefore sought assurances that all four objectives were being met. However, limited timescales meant that the review group focused its analysis on the latter two areas: value for money in asset management; and ensuring asset energy efficiency. This report therefore focuses on these two areas.

2. Value for money in asset management

- 2.1 Background and challenges
- 2.2 The Asset Management Team is responsible for making sure that the council is making the best use of its assets, developing a long term strategy, and holding its properties at the lowest possible cost.
- 2.3 Internally it is seeking to become more efficient with Facilities Management and Building Schools for the Future having merged into the team in 2010, creating a shared resource. Major projects being run from the Team include the decant of Anchorage House and the creation of a number of offices which will enable co-location of staff from different services.
- 2.4 Externally the Asset Management Team has four core approaches to ensuring value for money. These four objectives are outlined and expanded upon in the Asset Strategy 2011:
- To own and occupy fewer buildings.
 - To reduce the running costs of our buildings.

- To increase the occupancy levels of our buildings and maximise opportunities for co-location of services (including partners).
- To challenge the business case for retaining properties and sell surplus properties in a timely and efficient manner.

2.5 The Asset Management Team have identified the following key priorities for the service:

- § Improve its ability to collate and manage asset data and develop an accurate property database
- § Support the delivery of more council homes, through the utilisation of council owned sites
- § Retain an asset disposals programme which supports the council's financial planning and investment and ensures transparency of disposals
- § Improve the management of the council's community assets
- § Develop a joined up approach to managing the council's assets – promoting the corporate landlord model. Under a centralised model, the Asset Management team would be responsible for strategic asset management, delivering capital investment and ensuring surveys for statutory compliance and undertaken and monitored. The team would also take responsibility for the day to day management of buildings, their repair and maintenance. The benefits of this model include the centralisation of staff, reduction in duplication and savings opportunities (e.g. through corporate procurement of services previously procured department by department). This model would require more investigation. A more extensive report into the viability of this model is outlined as Recommendation One.

2.6 The Asset Management Team will take a lead on ensuring that public sector providers seek further opportunities for co-location, particularly as the council takes on responsibility for public health.

Steps to provide greater value for money

2.7 The council is committed to completing rent reviews and lease renewals on time to generate increased revenue for the council. In 2011/12 the council achieved a 10% increase in the total income raised from renting property.

2.8 The Asset Management team are actively marketing properties to let, either before they become vacant or on becoming vacant.

2.9 The team has also developed and implemented plans to generate advertising income from sites in the borough, including the letting of the A13 highway. New plans are currently being developed to build on this.

- 2.10 Where the opportunity arises and where it is appropriate to do so the Asset Management Team lease out empty office space and openly market other commercial property to generate new income. To maximise market penetration and income, they often use external agents to do this.

Delivery of savings

2.11 *Income*

- § In 2010 the Asset Management Team have secured approximately £300,000 per annum in new income from letting commercial property
- § The Team are therefore on target to generate a further £300,000 per annum from new lettings this year

2.12 *Savings*

- § Through the disposal of assets savings in excess of £240,000 and total capital receipts in excess of £6m will be achieved this year
- § By relocating services and acquiring 585-593 Commercial Rd savings of approximately £200,000 per annum are achieved against the proposed rental of keeping a service at the Leven Road site. The site purchased has regeneration potential and a market value of £5m (2011 valuation)
- § Resulting from the review of council assets we are aiming for savings of £250,000 per year (some of this figure has already been achieved) and resulting from the development/redevelopment of a number of council property, it is projected that savings of approx £320,000 per year will be achieved in 2012-13

2.13 *Summary*

- § Total new income generated approximately £300, 000
- § Total Capital receipts in excess of £6m will be achieved in 2012-13

- 2.14 The above information does not take into account all of the current work in progress in respect of both new income (revenue and capital) and additional savings. The financial details resulting from work in progress will be known in the coming months.

- 2.15 The current estimated expenditure on community assets is £250,000. The expenditure is targeted towards statutory health and safety surveys and works and external property maintenance and repairs.

- 2.16 In light of the Localism Act and the Community Right to Bid within the Act, a review of asset allocations is being carried out by officers in Asset Management team. This will inform the development of a list of Community Assets, as required by the Act. This is addressed as an area for greater work in Recommendation Two.

3. Ensuring the energy efficiency of assets

Background and challenges

- 3.1 Tower Hamlets spends millions of pounds on energy each year, in a volatile market that is set for price increases in both energy commodity costs and charges for pipes and wires. This presents an inflationary pressure on council expenditure but also highlights the value of improving energy efficiency.
- 3.2 Wholesale energy prices are influenced by a range of factors including supply security, weather trends, exchange rates, European prices, geopolitical issues and market sentiments. This complicated mix can result in price volatility of 5-10% over the course of a few days and 100% in a year.
- 3.3 Utilities are not a typical expenditure category in that they do not display the same attributes as other categories where we are trying to make savings. Prices are market driven and simply setting a savings target of 10% through supplier negotiation or using lower price variants is not possible.

Steps to provide greater value for money

- 3.4 The Strategy, Regeneration & Sustainability service in the Development and Renewal Directorate work hard to ensure that the council pays the lowest possible cost for the energy consumed in heating, lighting and running our buildings. The council has entered into a government procurement process on a flexible contract allowing it to secure energy as cheaply as possible. Were the council to procure energy alone, costs would probably be around 20% higher. A breakdown of costs is given in Appendix 1.
- 3.5 The review group looked into the cost of energy in community and council managed assets, which are outlined in Appendix 2. It was felt that there were not sufficient incentives for users to invest resources into energy efficiency, especially where the council contributes to energy costs. Recommendation Three of this report has therefore requested that incentive schemes are investigated.
- 3.6 In recent reviews by both the Cabinet Office and the London Energy Project, the Buying Solutions contract of which the council is part was found to be in the upper performance quartile and have “outperformed market benchmarks” (set using a methodology endorsed by Cabinet Office and HM Treasury). The Energy Team continues, therefore, to deliver good results in the Public Buying Organisation sector as well as, albeit anecdotally, against private sector companies.
- 3.7 In terms of energy efficiency the council has made progress in reducing its carbon emissions. So far the council has made 4.7% reductions in carbon emissions 2008-2010. As part of the Carbon Management Plan 2009 the council aims to have reduced emissions by 20% by the end of 2012. Further reductions are expected in the following years through property rationalisation by moving out of Anchorage House, supported by the Smarter Working programme which will enable staff to work out of the office. Recommendation

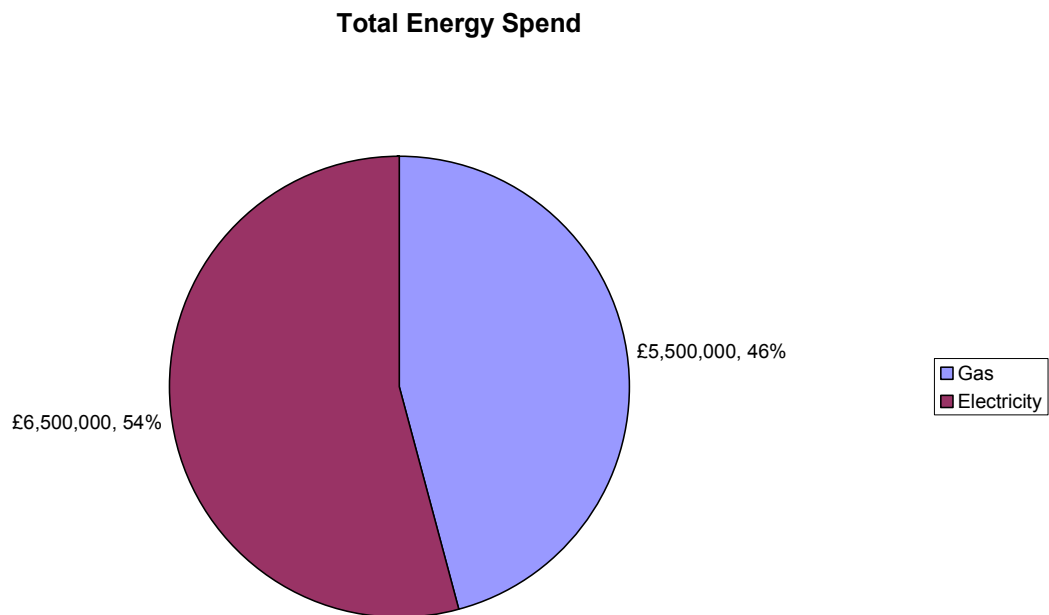
Four requests a further report on our performance against our carbon emissions targets.

- 3.8 The review group found that although the council was making savings through effective procurement and Smarter Working, it was difficult to assess how this is translated into spend. Greater clarity on presenting our energy expenditure clearly is outlined as Recommendation Five.
- 3.9 The council has also secured £135,000 from the Olympic Delivery Authority / Greater London Authority to provide energy efficiency works to three schools in the borough. These works will be completed in the summer of 2012.

Appendix 2: Energy Costs – evaluation and breakdown of sectors

Please note that the following are an average over 2009 – 2011 to give you an overall picture of the energy distribution. A further breakdown of the Tower Hamlets estate will be available in the next energy report (due in May 2012).

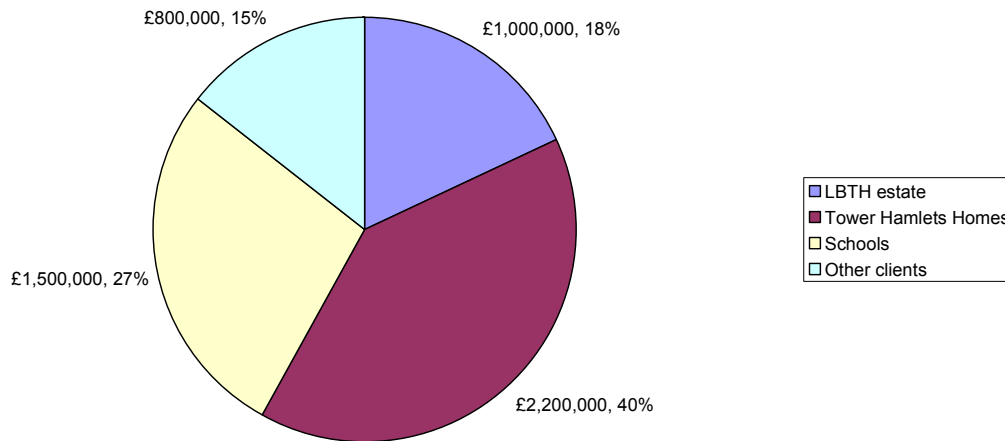
Energy split – Heat (gas) and Power (electricity)



Energy split between clients – Gas

Please note the costs for Tower Hamlets Homes (THH) includes all communal areas and THH offices. Tenants and leaseholders are recharged out of this total for communal use.

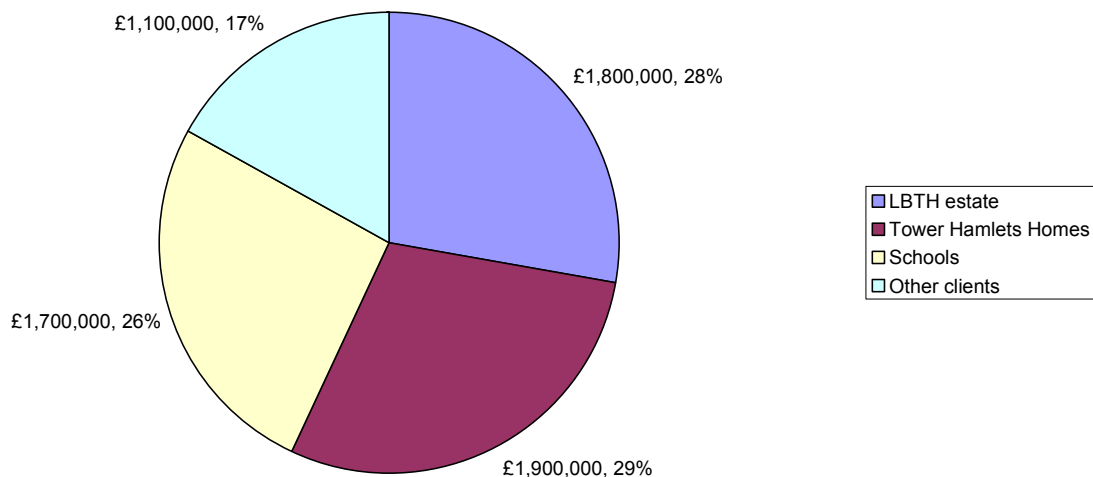
Gas breakdown



Energy split between clients – Electricity

Please note the costs for Tower Hamlets Homes (THH) includes all communal areas and THH offices. Tenants and leaseholders are recharged out of this total for communal use.

Electricity breakdown



Appendix 3: Tower Hamlets Energy Consumption 2009/10

Top Electricity Consumers

Site	Area m ²	kWh used 2010/11	kWh/m ²	Average annual costs £
GLL- Whitechapel Sports Centre	4302	3572229	830.4	330,000*
Resources- Toby Lane Depot	590	337180	571.5	31,000
CLC- Library- Watney Market Library	171	50453	295.0	4,850
Resources- Mulberry Place, 5 Clove Crescent, E14 2BG	17075	4510466	264.2	407,000
CLC- Library- Whitechapel Idea Store	3462	898299	259.5	82,000
D&R- Somali Day Centre Mayfield House, Cambridge Heath Road London E2 9LJ	114	28097.2	246.5	2,700
D&R- Wapping Riverside LHO 19 Prusom St, E1 9RR	424	94309	222.4	8,900
Resources- Coroner's court (Front of) 127 Poplar High Street	303	62683	206.9	5,800
CLC- Library- Bancroft Archive Library	1627	325694	200.2	31,000
GLL- Mile End Leisure Centre	5200	958251	184.3	88,000*
Resources- Anchorage House	19640	3491356	177.8	329,000*
Resources- Blackwall Goods Yard Depot	1399	238910	170.8	23,500
D&R- Stifford Community Centre, 2-6 Cressy Place	210	31437	149.7	2,950
D&R- Granby Hall Day Centre 37 St Matthews Row, London, E2 6DT	630	93231	148.0	8,500*
GLL- Mile End Stadium	1162	147618	127.0	15,000
Resources- Albert Jacob House, 62 Roman Rd, London, E2 0PG	4518	542382	120.0	50,000
AHW- 82 Russia lane	1017	117564.9	115.6	11,000
GLL- St George's	3368	385204	114.4	36,000*
Resources- Jack Dash House, 2 Lawn House Close, London, E14 9YQ	4843	476472	98.4	44,000
GLL- John Orwell Sports Centre	1896	185127	97.6	18,000*

Top Gas Consumers

Site	Area m ²	kWh used 2010/11	kWh/m ²	Average annual costs £
GLL- St George's	3368	2289183	679.7	54,000*
9 &10 Heron Quay (Skillsmatch)- leasehold	166	89242	537.6	2,200*
GLL- Mile End Leisure Centre	5200	2225315	427.9	53,000*
GLL- Mile End Stadium	1162	365975	315.0	8,600*
Resources- Watts Grove Depot	662	197859	298.9	4,700
D&R- Toby Club, Vawdrey Close E1 4UA	806	215940	267.9	5,200
GLL- Tiller Leisure Centre	3269	861400	263.5	21,000*
Resources- Toby Lane Depot	590	139006	235.6	3,300
D&R- Wapping Youth Club, Tench Street, E1W 2QD	855	182307	213.2	4,300
CLC- Library- Chrisp Street Idea Store	1244	261240	210.0	6,200
Resources- Coroners court (Front of) 127 Poplar High Street	303	60025	198.1	1,500
CLC- Library- Bethnal Green Library	1293	210932	163.1	4,950
AHW- 82 Russia lane	1017	162769	160.0	disposal
Resources- Bromley Public Hall, Bow Road	703	100309	142.7	2,500
GLL- Whitechapel Sports Centre	4302	609172	141.6	14,000*
Resources- Albert Jacob House, 62 Roman Rd, London, E2 0PG	4518	507842	112.4	12,000
Resources- Anchorage House	19640	1747113.8	89.0	71,000*
GLL- John Orwell Sports Centre	1896	158125	83.4	3,900*
Resources- Mulberry Place, 5 Clove Crescent, E14 2BG	17075	1186553	69.5	28,000
D&R- Canal Club, Waterloo Gardens, London, E2 9HP	421	24447	58.1	600
D&R- Collingwood Tenants Hall, Collingwood Street, E1 5RF	343	19777	57.7	500
Resources- Jack Dash House, 2 Lawn House Close, London, E14 9YQ	4843	256160	52.9	6,000

* assumed costs

Appendix 4: Scrutiny review action plan

Scrutiny Review Action Plan – Asset Management			
Recommendation	Response / Comments / Action	Responsibility	Date
1. That the Asset Management Team provides a report on the viability of centralising asset management, i.e. moving towards a corporate landlord model.	The Asset Management Team will provide a report with recommendations and a timetable for moving towards a corporate Landlord model.	Head of Asset Management	November 2012
2. That the Asset Management Team develops a framework and provides a resource to enable current and potential tenants to make more efficient use of community assets.	The Asset Management Team will provide an action plan and timetable outlining how external providers can make more efficient use of assets. A framework will be provided for external groups, where requirements for financial and energy efficiency are clearly outlined.	Head of Asset Management	November 2012
3. That the Sustainable Development Team investigates incentives for all users of council assets to become energy efficient. This would include staff, schools and the third sector.	The Sustainable Development Team will produce a staff engagement strategy to empower building users to engage in the carbon reduction strategy for all building within the scope of the carbon management plan. The strategy will report on incentives and a timetable and costs for implementation.	Sustainable Development Team	November 2012

<p>4. That the Sustainable Development Team provides a regular report on our performance against our carbon management commitments as outlined in the Carbon Management Plan 2009.</p>	<p>As part of the annual monitoring report to Department of Energy and Climate Change (DECC) the Sustainable Development Team will produce an annual progress report of performance, the report will outline current position and forecasts against carbon management commitments.</p>	<p>Sustainable Development Team</p>	<p>September 2012</p>
<p>5. That Corporate Finance provides greater clarity on energy costs and that this is reflected transparently in budget reports where appropriate.</p>	<p>As part of the current financial improvement project, a new finance system (“Agresso”) is scheduled to be introduced from April 2013. This system will simplify the budget monitoring process and its greater functionality and enhanced reporting capability will offer the opportunity to provide a much greater level of information and scrutiny. The current system used by the authority to monitor energy usage (“Team Sigma”) will be used to enhance the information available.</p> <p>In the meantime, budget monitoring reports submitted from the second quarter of the 2012-13 financial year will incorporate an assessment of budgetary assumptions compared to the actual position in relation to energy costs. The Scrutiny Panel should however be aware that spending data on energy is far more influenced by price fluctuations than by usage. As part of the budget preparation process for 2013-14, energy costs will be reviewed in detail.</p>	<p>Corporate Finance</p>	<p>December 2012</p>

Agenda Item 7.1

Committee/Meeting: Cabinet	Date: October 2012	Classification: Unrestricted	Report No: (CAB 039/123)
Report of: Corporate Director Children, Schools and Families Originating officer(s) Layla Richards, Strategy, Policy and Performance Manager		Title: Children and Families Plan 2012-15 Wards Affected: All	

Lead Member	Cabinet Lead Member Children, Schools and Families
Community Plan Theme	A Prosperous Community
Strategic Priority	2.1: improve educational aspiration and attainment 2.2: support more people into work 2.3: manage the impact of welfare reform on local residents 4.1: reduce health inequalities and promote healthy lifestyles 4.4: keep vulnerable children and families safer, minimising harm and neglect 5.1: reduce inequalities

1. **SUMMARY**

- 1.1 This report accompanies the Children and Families Plan 2012-15, which has been developed through the Children and Families Partnership (formerly Trust) and replaces the previous, statutory Children and Young People's Plans (CYPPs).
- 1.2 The Children and Families Partnership Board considered the Plan at its meeting on 13 September 2012 and recommends the appended version for adoption by all partners.

2. **DECISIONS REQUIRED**

The Mayor in Cabinet is recommended to:-

- 2.1 Approve the Children and Families Plan in Appendix 1 for the next three years, 2012-15

3. REASONS FOR THE DECISIONS

- 3.1 There was a statutory duty on local authorities and their partners, under the previous government to have a CYPP. While this is no longer the case partners in the Children and Families Partnership have valued the joint planning processes afforded by the last two CYPPs and have been developing a new plan over the past 12 months, focused on support to children and their families. The new plan focuses on improving outcomes for the borough's most vulnerable children and families and provides an effective way of planning, as a Partnership, how we will intervene at an early stage to tackle problems faced by each vulnerable group at tier 2 of the Family Wellbeing Model.

4. ALTERNATIVE OPTIONS

- 4.1 As it is no longer a statutory requirement to have such a plan an alternative course of action would be to not have a Partnership Children and Families Plan. This, however, could be detrimental to services and the way in which partners work together at a time when arguably partnership working is even more important to address a range of social and economic issues.
- 4.2 The Plan could focus on different priorities, but the proposed content of the Plan is recommended by the Partnership after for reasons summarised in the body of the report. The holistic approach of the plan is particularly important in a climate in which significant social risks present themselves as a result of the changes associated with the government's welfare reforms. These reforms have the potential to create a whole range of additional demands on children and adult services in the borough and the approach to the new plan provides a way of meeting the needs of the most vulnerable and trying to ensure that resources are allocated accordingly.

5. BACKGROUND

- 5.1 The borough has previously had two CYPPs, between 2006-2009 and 2009-2012. Both plans were structured around the Every Child Matters (ECM) themes and articulated how the local authority and its partners would work together to keep children safe and healthy, support them to enjoy, achieve well at school, secure economic wellbeing and make a positive contribution to society.
- 5.2 The new plan still aspires to achieve the ECM outcomes for all children, but has adopted a more focused approach than in previous years to respond to the needs of vulnerable children and families. The plan therefore doesn't intend to capture everything that partners will do to support children and families in Tower Hamlets – it instead focuses on the value added by partnership working with single agency plans still addressing routine and day-to-day activity.
- 5.3 The Children and Families Plan has been developed over the past 12 months, in consultation with a range of partners on the Children and Families

Partnership, and has been informed by a robust evidence base including PESTLE (political, economic, social, technological, legal and environmental) analysis, Joint Strategic Needs Assessment (JSNA) factsheets, national research, emerging government policy and local research and local service mapping. Consultation has also been undertaken with Elected Members, the Annual Parent Conference and Youth Forum. Representatives from the Local Safeguarding Children Board (LSCB) have also been given the opportunity to scrutinise the safeguarding elements of the plan.

6. APPROACH TO THE PLAN

- 6.1 The plan follows a life course approach looking at the needs of children and their parents/carers and families at different stages of their lives. The plan is divided up by the following four life course blocks:

Maternity and Early Years: a focus on this age group recognises the significance of the maternity and early years on a child's development and responds to recent high profile national reviews, including those undertaken by Frank Field, Michael Marmot and Graham Allen all of which highlight evidence that intervention at this stage can have the greatest impact on a child and family's life. Eileen Munro's review into child protection also highlighted the particular challenges in safeguarding babies, with timeliness of response having a different value at this age with the early years being critical for brain development and attachment, and their particular vulnerability for maltreatment when they are growing up in families affected by parental substance misuse, domestic violence and mental ill health. Alongside this there is substantive evidence of children under five being most at risk of death or serious injury as a consequence of child protection issues. Furthermore, this section of the plan allows a focus on local performance at the Early Years Foundation Stage, which although improving is below national performance. Greater partnership working in relation to the early years offer for disadvantaged two year olds and Health Visitors Call for Action are also areas for attention within this block.

Childhood and Young People: separate life course blocks in the plan, but a focus on each recognises the different needs faced by children and their families at different ages. For example, young carers' needs vary with age and a different partnership response is required to meet them at primary and secondary age. Safeguarding risks also vary at each life course stage and the focus on safeguarding by age will allow the Partnership to safeguard children for that particular age – for example, we know that risk factors facing teenagers are particularly varied and complex and need a particular response. Transition is a cross-cutting theme within the plan but within this block there is a particular focus on key pressure points, including the transition of children from primary to secondary school and transition in and out of social care. The differences in volumes of tier three cases at different ages for Children's Social Care and the Youth Offending Team and differing levels of attainment at different key stages are also a focus in these sections of the plan.

Preparing for Adulthood: this section places significant emphasis on improving the outcomes for young people with additional needs as they make their way from children's to adult services. This includes a focus on young people with a disability or special educational need, young offenders and young people leaving care, all of whom we know to be more disadvantaged and face more difficulties than their peers in achieving independence. We want to build on effective partnership working to support all vulnerable groups as they make the transition to adulthood. This section is also about preparing all young people for the world beyond education and training and into employment, a particular challenge locally.

- 6.2 Cross-cutting themes have also been identified, each of which will be addressed within the life course approach. Early Help and Responsive Universal Services is an overarching principle with four cross-cutting themes around:
- Promoting positive health and emotional wellbeing
 - Supporting positive family relationships
 - Prevention from harm
 - Managing effective transition between services
- 6.3 The plan sets out areas of work for the next three years under each of these headings for each of the life course blocks.
- 6.4 Alongside the development of the new plan the governance arrangements for the Children and Families Partnership are also changing to ensure delivery of priorities and further streamlining of groups and numbers of meetings. The new arrangements will be in place from September 2012 with new Commissioning and Groups for Maternity, Early Years & Childhood and Young People & Preparing for Adulthood to be accountable to the Children and Families Partnership Board for the delivery of the outcomes in their relevant sections of the plan.
- 6.5 Final sign off of the plan rests with the Children and Families Partnership Board and is due to take place at their meeting on 13 September 2012.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 This report informs the Cabinet about the activities and priorities for the three-year Children and Families Plan. There are no financial implications arising from this report as the activities outlined here are ones which would be funded from resources available to Children Schools & Families and to partner organisations.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1 When the Children Act 2004 was enacted, it empowered the Secretary of State to make regulations requiring each children's services authority to prepare and publish a Children and Young People's Plan ("CYPP"). The Secretary of State made the Children and Young People's Plan (England)

Regulations 2005 which imposed an obligation on each authority (other than four-star authorities) to prepare and publish a CYPP by 1 April 2006 and then at intervals determined by the duration of the adopted plan. The Council's Constitution reflected this requirement, even though Tower Hamlets was a four star authority at relevant times.

- 8.2 In 2010, the Children Act 2004 was amended to instead provide for regulations to be made placing the responsibility on the Children's Trust Board to prepare and publish a Children and Young People's Plan ("CYPP"). The Secretary of State made the Children's Trust Board (Children and Young People's Plan) (England) Regulations 2010 to impose this obligation on Children's Trust Boards. Through these measures, the obligation to prepare a CYPP was effectively removed from the Council. The expectation was that when the CYPP 2009 – 2012 ceased on 1 April 2012, it would be replaced by a new CYPP developed by the Children's Trust Board. However, the 2010 Regulations were subsequently revoked, effectively removing any requirement for there to be a CYPP at all. As a consequence, the local partnerships are free to publish their own strategic plans as they see fit and there is no prescription as to format, matters to be dealt with, timing or who to consult.
- 8.3 Section 10 of the Children Act 2004 continues to require the Council to make arrangements to promote co-operation with its partners and other appropriate persons to improve the well-being of children in Tower Hamlets. In this context, well-being extends to physical and mental health and emotional well-being; protection from harm and neglect; education, training and recreation; the contribution by children and young people to society; and social and economic well-being. When making arrangements, the Council must have regard to the importance of parents and other persons caring for children in improving the well-being of children.
- 8.4 Absent any obligation to prepare a CYPP, it is consistent with the Council's duty under section 10 of the Children Act 2004 and the proper discharge of its other statutory functions in respect of children and young people to work through the Children and Families Partnership Board to prepare a plan of how relevant partners propose to work together to achieve their shared vision for children and young people. The existence of such a plan is contemplated within the Tower Hamlets Community Plan, which contains the Council's sustainable community strategy for the purposes of section 4 of the Local Government Act 2000. Having developed the plan, it is appropriate for the Executive to agree the plan and commit to delivering it, within the Council's permitted range of action.
- 8.5 Before agreeing the Children and Families Plan, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. Section 9 of the report, appendix 2 and the Plan itself present information relevant to this consideration.

9. ONE TOWER HAMLETS CONSIDERATIONS

9.1 The Children and Families Plan 2012-15 is targeted at meeting the need of our most vulnerable children and families. The focus is on addressing gaps in support for groups such as young carers, teenage parents and their children, children in need or with a child protection plan, underachieving children at school and young people being bullied. The plan, with a focus on vulnerable groups, therefore addresses issues of inequality and promotes community cohesion in the borough.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.1 There are no SAGE implications.

11. RISK MANAGEMENT IMPLICATIONS

11.1 Early intervention is an overarching principle of the new plan and if done effectively ought to reduce future risks in relation to vulnerable children and families. The holistic approach of the plan is particularly important in a climate in which significant social risks present themselves as a result of the changes associated with the government's welfare reforms. These reforms have the potential to create a whole range of additional demands on children and adult services in the borough and the approach to the new plan provides a way of meeting the needs of the most vulnerable and trying to ensure that resources are allocated accordingly. The plan also seeks to ensure a coordinated approach to commissioning and decommissioning across partner agencies.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

12.1 Supporting the needs of young offenders and reducing young offending in the borough are strands within the young people section of the plan and will contribute to crime and disorder reduction in the borough.

13. EFFICIENCY STATEMENT

13.1 The plan has been developed in partnership with other agencies in the Children and Families Partnership and will result in better joint planning and commissioning across partners therefore improving efficiency and making more effective use of joint resources.

14. APPENDICES

Appendix 1 – Children and Families Plan 2012-15
Appendix 2 – Equality analysis

Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

List of “Background Papers” used in the preparation of this report

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
None	N/A

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Mayor LutfurRahman

I am delighted to welcome the new Children and Families Plan and endorse the partnerships approach to improving outcomes for children, young people and their families in the borough.

Children, Schools and Family services in Tower Hamlets are a huge success story. The continued progression in GCSE results over the last ten years is testament to this, as is the recognition for excellence we have received from Ofsted for services to our most vulnerable children and families.

It is now imperative on us to build on our successes and ensure that services to children and young people continue to meet their needs and strive for excellence.

The Plan continues to put children, young people and families at the heart of future policy. By empowering our young residents and valuing them as citizens, we can develop a framework that will ensure our young people and families have a future marked by safety, security, health and achievement.

DRAFT

DRAFT

Cllr OliurRahman

We are currently facing a period of austerity that will be extremely tough for public services. We need to find new and creative methods of delivery to ensure that as a partnership will still continue to deliver children's services of the highest quality.

That means looking at how to make the best use of the resources that we have, and it means close collaborative work with our partner agencies and the voluntary sector.

Our work needs to be more targeted and focused on the most vulnerable young people in the borough, this Plan sets out a blueprint for early intervention to tackle the key issues across the life course, from maternal mental health to children in care, substance misuse amongst young people and the underachievement of some pupil groups.

We have a huge pool of talented staff working towards improving outcomes for children and young people in the borough. As a partnership, we will continue to meet the high standards that young people and their families expect and deserve.

DRAFT

Children and Families Plan 2012-15

Introduction

The Children and Families Plan 2012-15 has been developed by the Children and Families Partnership to provide us with a framework for how we will work together to continue to improve outcomes for children and families in Tower Hamlets. The plan has also been scrutinised and developed in conjunction with agencies represented on the borough's Local Safeguarding Children Board (LSCB).

The Children and Families Partnership and the LSCB comprise a range of local organisations and other representatives, including:

- BartsHealthNHS Trust (Acute Division and Community Health Services Division)
- East London NHS Foundation Trust (Child and Adolescent Mental Health Services and adult mental health)
- GPs
- London Borough of Tower Hamlets (Children, Schools and Families Directorate; Adults Health and Wellbeing Directorate; domestic violence and drug and alcohol teams in Communities, Localities and Culture Directorate; Housing Options Service and Strategy, Innovation and Sustainability team in Development and Renewal Directorate)
- London Probation
- Metropolitan Police
- NHS East London and the City (Public Health and Commissioning Support Service)
- Parents representatives
- Registered Housing Providers
- Schools
- Third sector
- Tower Hamlets College.

Context

There are an estimated 65,769 children and young people aged 0 to 19 in Tower Hamlets in 2012, representing 26.1% of the total population.¹ The young population in the borough is projected to rise over the course of this plan, with the number of children between 0 and 19 years of age expected to grow by 7% in the next five years to 2015, with further growth projected by 2025.

¹ GLA population projections – 2011 round

In 2012, 89% of the school population were classified as belonging to an ethnic group other than White British compared to 26% in England overall. Furthermore, English is an additional language for 74% of pupils and English and Bengali are the most commonly recorded spoken community languages in the area. Of those children and young people under 19 years, 55% come from a Bangladeshi background.

The latest child poverty rates for 2009 show that 29,680 children in Tower Hamlets were living in poverty which represents 53 per cent of all children.² Our high levels of child poverty are also evident in the high proportion of children entitled to Free School Meals (FSM) in 2011 at 57 per cent.

Children and young people with additional needs include:

- 1,582 children and young people registered with the Council as having a disability (February 2012)
- 1,392 children and young people with a statement of special educational needs, and 6,909 registered as School Action or School Action Plus (of the total 39,596 children on the School Census for Autumn 2011)
- 296 Looked After Children (LAC), 274 children with child protection plans and 1,155 child in need cases (31 March 2012).

There are 98 schools in the borough. Of these, there are 70 primary schools (including one academy), 15 secondary schools (including one academy), the pupil referral unit and six special and short stay schools. Early years' service provision is delivered predominantly through the private and voluntary sector in over 53 settings and there are six local authority maintained nurseries. In each of the borough's four paired Local Area Partnerships there are three main Children's Centres, which act as hubs for their local community.

Achievements and challenges for the Partnership

This plan follows on from the completion of two previous Children and Young People's Plans (CYPPs), the first from 2006-2009, and the second from 2009-2012. These previous plans were organised around the Every Child Matters priorities for children to be safe, healthy, enjoy and achieve, make a positive contribution and achieve economic wellbeing.

During the course of the CYPP 2009-2012, we achieved some impressive outcomes for children and young people in the borough. Young people's

²HMRC Child Poverty Statistics 2009. Child poverty data is based on the proportion of children living in families in receipt of out of work benefits or tax credits where their reported income is less than 60% median income. This data is released each September, for data for two years previously

educational attainment continued to improve, particularly at GCSE where we saw a 20 percentage point improvement in attainment during the life of the plan. There was a sustained reduction in the proportion of young people not in education, employment or training (NEET). Young people were encouraged to stay in education through the introduction of the Tower Hamlets Mayor's Education Award, the first of its kind nationally following the end of the Education Maintenance Allowance in England in 2011. In addition, health outcomes improved, with increasing immunisation rates and a reducing under 18 conception rate.

Despite our successes, we know there is more to do and our new plan aims to both build on where we have been successful in the past and address the areas where we need to do better. We know more needs to be done to decrease the prevalence of childhood obesity in reception (5 year olds) and year 6 (10 year olds). We need to improve outcomes in the early years through improvements in attainment at the Early Years Foundation Stage (EYFS)³. We also need to see success at GCSE translated into improving outcomes at post 16, where currently results still lag behind the national average.⁴

Another key priority during the course of the last CYPP was to reduce child poverty in the borough. Although we do not have data to show us how child poverty rates changed between 2009 and 2012, as it is not available nationally, data from 2006 shows continued improvement in tackling child poverty, with a reduction from 60.3% to 53% of children living in poverty in 2009.⁵ This is the best improvement rate in London, and also compares favourably to the national rate of improvement. Tackling child poverty continues to be a key priority for our new plan. We expect this to be more challenging given the national economic outlook and as a result of welfare reform which is likely to result in reductions in incomes for many families in the borough.

Methodology for developing the new plan

In developing a brand new plan from 2012, we wanted to ensure that it helped the Partnership to work as efficiently as possible in the context of decreasing funding for all agencies and a challenging economic climate for children and

³The EYFS is a statutory framework that sets the standards for the learning, development and care of children from birth to five

⁴ For detailed information on our achievements and challenges for 2009-12, see the Children and Young People's Plan 2009-12: End of Plan Review, at www.childrenandfamiliestrust.co.uk

⁵Child poverty data is based on the proportion of children living in families in receipt of out of work benefits or tax credits where their reported income is less than 60% median income. This data is released each September, for data for two years previously

families. Our initial needs analysis for the plan focused on the needs of vulnerable children, identified using the Tower Hamlets Family Wellbeing Model. A list of the vulnerable groups we considered is in appendix 2.

The needs and services available for these groups were analysed using a PESTLE analysis. This tool provided a framework for considering the various factors (**P**olitical, **E**conomic, **S**ocial, **T**echnological, **L**egal and **E**nvironmental) impacting on the needs and available service provision for each group. The analysis for each group was completed using Joint Strategic Needs Assessment (JSNA) fact sheets, national research, emerging government policy and local research and information. The analysis was considered by a range of stakeholders from across the Partnership.

The tool helped us to respond to a changing national policy context, including:

- *Education reform*, with the increase in academies and the introduction of free schools and changes to careers, advice and guidance provision
- *Special Educational Needs reform*, including the personalisation agenda and changes to assessment frameworks
- *Welfare reform*, with the significant changes to how welfare benefits are calculated and how they are paid to families living on low incomes
- *Health reform* with responsibility for Public Health moving from the NHS to local authorities, new statutory Health and Wellbeing Boards and the introduction of GP clinical commissioning groups
- The increasing national focus on early intervention and early help, following reviews by Frank Field, Graham Allen, Eileen Munro and Professor Marmot.

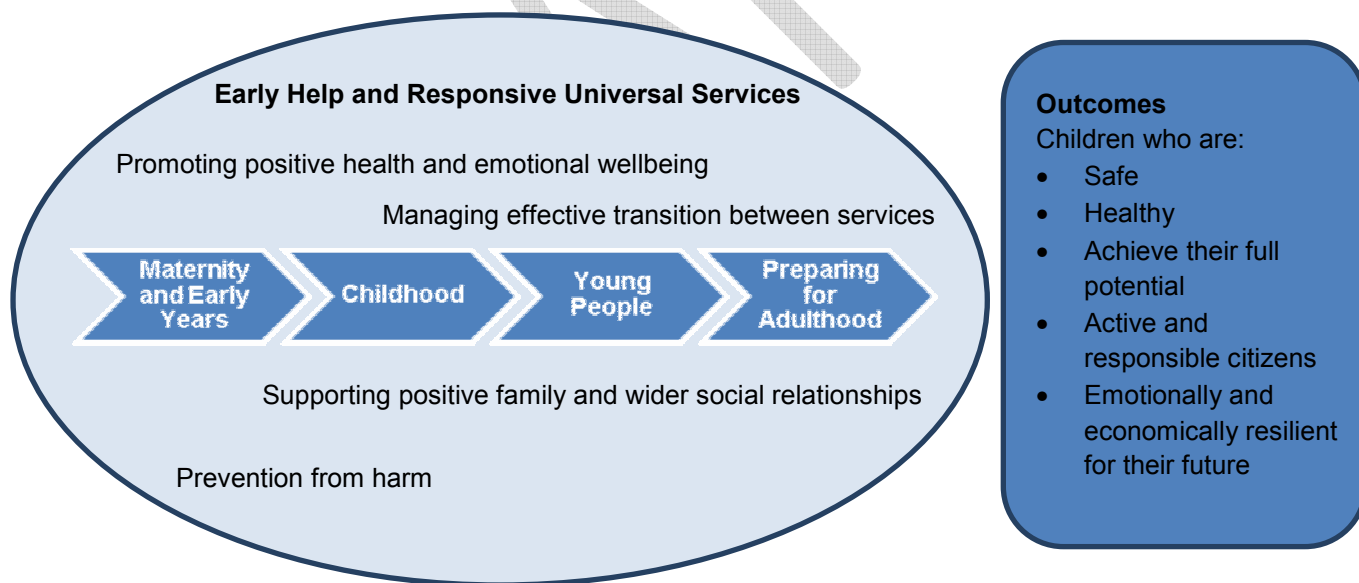
Using this analysis, the Partnership confirmed its vision for children and young people, and identified five themes which the evidence suggested was relevant to all vulnerable groups. Further to this, we agreed to take a life course approach for our plan, in response to the evidence that the aspirations and outcomes for children and families are different at different stages in a child's life.

Our vision

Our vision is for all children and young people to be safe and healthy, achieve their full potential and be active and responsible citizens and emotionally and economically resilient for their future.

Our plan uses a life course approach to achieve this, helping us to work effectively with families at key stages in their child's development. For each life stage, we have identified the following themes to guide how we work as a Partnership:

- **Early help and responsive universal services:** Working effectively together to identify needs early, at all ages, and put coordinated action plans in place to improve outcomes is an overarching principle of the new plan.
- **Prevention from harm:** Safeguarding all children across all partner agencies remains a top priority.
- **Supporting positive family and wider social relationships:** Improving pathways into parental engagement in order to support all parents/carers to achieve positive parenting becomes a key priority.
- **Promoting positive health and wellbeing:** Keeping children healthy and responding effectively to health needs remains a priority, with a focus on emotional wellbeing and mental health.
- **Managing effective transition between services:** We will focus on working in a coordinated way across services to support children and young people as they begin in a new school or enter further education or employment, and when they move from a specialist service into a targeted or universal service, or from children's services into adult services.



The following sections set out the detail of the challenges for each life stage, the outcomes we're aiming for and how we plan to work together to achieve them.

For further information see our website www.childrenandfamiliestrust.co.uk

1. Maternity and Early Years (pre-birth to 5 year olds)

4,565 children were born to Tower Hamlets residents in 2010. The birth rate in Tower Hamlets is 66.2 live births per 1,000 females aged 15 to 44. The birth rate in Tower Hamlets is lower than the average in London (72.1), but about the same as England (65.5). In the 5 years between 2009/10 and 2014/15 the rate is projected to increase by 5.3% (235 additional births); in the subsequent 5 years between 2014/15 to 2019/20 the rate is projected to increase by 2.2% (100 additional births). In 2010/11, of the caseload for midwifery-led antenatal and postnatal care for vulnerable women and their families, 56% had severe mental illness, and 17% suffered domestic abuse⁶. Of the 3,798 births in 2009 with ethnicity recorded, 46.5% were born to Bangladeshi women, 21.7% to white women and 6.1% to Black African women. The average birth rate per 1,000 for Bangladeshi women aged 15 to 44 is 1.52 times the average for all women. Bangladeshi mothers also tend to be younger than non-Bangladeshi mothers⁷.

There is a high prevalence of gestational diabetes (9%) in the borough⁸ and a 2005/06 audit found that 81.7% of women with gestational diabetes were Bangladeshi⁹. Diabetes in pregnancy is associated with a number of poor foetal and maternal health outcomes and early detection and management, together with on-going lifestyle modification will offer benefits to both mother and baby before, during and after pregnancy. A high proportion of the babies born in the borough have a low birth weight which also increases the risk of type 2 diabetes, as well as cardiovascular disease in later life. However, despite a low birth rate levels of infant mortality in the borough are not significantly different to the rest of London and England.

The under-fives are the largest age group within Tower Hamlets' 0 to 19 population and the group is expected to grow at a greater rate than other age groups. The 0 to 5 year old population in Tower Hamlets makes up 9.6% of the total population in the borough and 36.8% of the 0 to 19 population. Greater London Authority (GLA) population projections show a population of 24,307 under -fives in 2012. The 0-5 population is projected to rise to 26,251 in 2015 (representing an increase of 7.4%). Of children aged 0-4, 23.7% are white and 55.6% Bangladeshi¹⁰.

⁶ Barts and The London Hospital Midwifery Gateway team, annual report 2010/11

⁷ Mayhew dataset (Network Knowledge Management (NKM) population), is based on administrative databases which include a detailed analysis of the administrative data sets at March 2011

⁸ Diabetes & Pregnancy, Pre-existing Diabetes at The Royal London Hospital (Pregnancy Outcomes for 2010). Nickey Tomkins. 2011

⁹ Audit of Postnatal Diabetes, Royal London Hospital, Sooi-Mai Jones, 2008

¹⁰ 2011 Round of demographic changes 2011

Vitamin D deficiency and insufficiency is a substantial issue for the population of Tower Hamlets. The estimated prevalence of vitamin D deficiency and insufficiency in pregnant women at booking is 74% and 11% respectively¹¹ and in children under 5 tested in primary care this was 35% and 52% respectively¹².

As is the case for all age groups, a high proportion of under-fives and their families live in poverty, with an estimated¹³ 50% of this age group eligible for Free School Meals.

There were 9,277 children in nursery years 1 and 2, reception and primary year 1 in 2011. Of these, 186 had a statement of special educational needs (2%). In addition, there were 800 under-fives (9%) registered as School Action or School Action Plus.

At 1 February 2012, 368 children under-fives were registered with the Council as having a disability – this is 2% of all under-fives according to 2011 population estimates.

At 31 March 2012, there were 67 Looked After Children aged under five (23% of all LAC cases), 274 children with child protection plans (44% of all CP cases) and 350 child in need cases (30% of all CiN cases).

We have seen steady improvement in young children's achievement at the Early Years Foundation Stage, improving by 10 percentage points between 2009 and 2012. However, we have not succeeded in closing the gap with the national average and remain nine percentage points below the national figure.

The challenges of securing the best possible outcomes for babies and young children in Tower Hamlets need to be understood in the context of the challenges for parents and carers in the borough. High levels of overcrowding and inadequate housing provision can mean additional challenges for families in ensuring the best possible start in life for their children. Furthermore, the complex needs of many parents of young children is evident through rising referrals to antenatal and postnatal care for vulnerable women and their families, including for severe mental illness and domestic abuse.¹⁴

¹¹ Results of antenatal vitamin D screening at Barts and The London Royal London NHS Trust, April 2010

¹² Audit of all tests performed in routine clinical practice in primary care during 2009

¹³ For the purposes of funding for early years places for disadvantaged two year olds, we are making the assumption that 50% would meet the FSM criteria, on the grounds that the benefit of 15 hours free childcare may be considered to be a greater incentive to claim than that of a free meal. 50% is also the average across all age groups

¹⁴ Tower Hamlets JSNA, safeguarding factsheet 2012

Data on postnatal depression (PND) is limited, but the national incidence is estimated to be at least 13%¹⁵. Risk factors include past history of psychopathology, low social support, poor marital relationship, and potentially unplanned pregnancy, unemployment, antenatal parental stress or having two or more children. It has not been possible to obtain local data on this, but since many of the risk factors listed above apply to a significant number of women in Tower Hamlets, it can be assumed that the incidence of PND is at least 13% if not more, which would have been approximately 570 women in 2009 (based on 4358 births), and 580 women in 2010/11, assuming a projected number of births of 4,468¹⁶.

Despite challenges, in many areas health outcomes are improving, including early access to maternity services, decreasing proportions of mothers smoking at the time their baby is born, increasing breastfeeding rates and increasing uptake and coverage of the childhood immunisation programme. These successes are not evident for all groups, however. The proportion of white women smoking when their child is born is higher than the England average, for example.

Although we are seeing an improving trend in the proportion of children who are obese in the reception year at school, obesity in childhood is still a major cause for concern. In 2011 just under 13% of 4-5 year olds were obese which was the sixth highest rate in London.

What outcomes do we want to see during maternity and in the early years?

This section sets out the outcomes¹⁷ we want to impact on as a Partnership in the next three years.

Children are safe

- Reduction in emergency admissions caused by unintentional or deliberate injuries *
- Improvements in Common Assessment Framework (CAF) scores by time of CAF review
- Reduction in cases of domestic abuse *

¹⁵Mental Health in East London and the City. A Sector-Level Health Needs Assessment. 2011

¹⁶Tower Hamlets JSNA Core Dataset/ONS

¹⁷ Those with an asterix (*) denote those in the Public Health Framework. See appendix 3 for overview of outcomes and indicators

Children are healthy

- Good and improving maternal health – including maternal nutrition*, good mental health, decreasing maternal obesity and decreasing numbers smoking at time of delivery*
- Low infant mortality rates*
- Reduced proportion of babies born with low birth weight* to vulnerable mothers, including teenage mothers and mothers who substance misuse
- Reduction in under 18 conceptions*
- Good and improving exclusive breastfeeding rates and healthy weaning practices*
- Maintain good immunisation rates*
- Decreasing levels of obese and overweight children in reception year*, more opportunities for active play and more healthy choices at home and in nurseries, schools, leisure centres and other public places
- Decreasing levels of tooth decay* in under-fives and all children are registered with a dentist
- Good coverage levels for antenatal and newborn screening
- Early detection and treatment of disability and illness
- All parents and children achieve positive physical and emotional development milestones*.

Children are achieving their full potential and are active and responsible citizens

- Good outcomes at the two year old development check* – which includes good development in:
 - communication
 - fine motor
 - gross motor
 - social skills and behaviour
 - problem solving
- Good and improving key stage 1¹⁸ attainment*
- Good and improving EYFS attainment: for all children and for the bottom 20%.*

Children are emotionally and economically resilient for their future

- Decreasing numbers of children living in poverty*

¹⁸ KS1 covers two years of schooling in maintained schools in England and Wales normally known as year 1 and year 2, when pupils are aged between 5 and 7. Key stage 1 attainment is based on teacher assessment taking into account a child's performance in several tasks and tests

- Parents are supported into sustainable employment and are supported to balance work and family life
- Teenage parents are supported into education, employment or training and to develop good parenting skills
- Improving levels of speech and language development amongst the most vulnerable children in the borough.

How do we make sure we're on track to achieve these outcomes? What will we monitor, as a Partnership, during the course of the plan?

Listed below is the additional data we will look at throughout the life of the plan to ensure we are on track to achieve the outcomes above.

Monitoring whether children are safe

- Hospital emergency admissions caused by unintentional and deliberate injuries in age 0-4 years, per 10,000 resident population (Hospital Episode Statistics) and better data on cause of injuries
- Quarterly data on number of contacts and referrals for 0 to 5s to Children's Social Care
- Learning from LSCB serious case reviews, child death reviews and LSCB audits – local and national learning relevant to 0 to 5s
- Annual CAF outcomes report
- Annual sample report from SIP (considers number and type of referrals plus number of closed cases and reasons for closure)

Monitoring whether children are healthy

- Early maternity access at 12+6 weeks
- Quarterly rate of smoking at booking and time of delivery per 100 maternities
- Quarterly breastfeeding data – prevalence at initiation and 6-8 week check; prevalence of exclusive breastfeeding
- Annual National Child Measurement Programme school health data, proportion of children aged 4-5 classified as overweight or obese
- Quarterly Health Visitor data, including new birth visits, Body Mass Index (BMI) at 2 and 3 year reviews
- Annual FNP data related to breastfeeding, smoking in pregnancy, use of long-acting reversible contraception (LARCs)
- Quarterly childhood immunisations coverage data (0-5 years)
- Quarterly uptake of Healthy start vitamins
- Final report from the Vitamin D/Healthy Start parent champions outreach project

- Tooth decay in under-fives (data published every four years)
- Quarterly CAMHS referral data for under-fives
- Quarterly report on number of under-fives registered with a disability and disability category
- Annual report on Healthy Early Years accreditation, including outcomes related to communication skills, physical development, emotional wellbeing, healthy eating and oral health
- Quarterly coverage levels for antenatal and newborn screening
- Annual report on Healthy Early Years accreditation and healthy schools accreditation monitoring.

Monitoring whether children are achieving their full potential and are active and responsible citizens

- Annual EYFS results
- Annual key stage 1 results
- Quarterly update on Ofsted reports on childminders, Children's Centres and other early years settings
- Quarterly report on involvement of new parents/carers in Children's Centre parent forums and the Parent Council.

Monitoring whether children are emotionally and economically resilient for their future

- Quarterly NEET data for teenage parents
- Data on parents accessing training and employment advice in Children's Centres
- Data from the FNP
- Data on prevalence of PND.

Monitoring all outcomes

- Quarterly Children's Centre reach and volume data, and annual equalities analysis of this data
- Annual report on Children's Centre questionnaire
- Disadvantaged two year olds placements data
- Quarterly data on CAFs completed by all early years services
- Quarterly completion of evidence-based parenting programmes for new parents/carers.

Themes to drive our work to achieve these outcomes

This section sets out what we think we need to do as a Partnership to make a difference to the outcomes of children and their parents in the maternity and early years.

Promoting positive health and emotional wellbeing

- Promote healthy lifestyles for parents and carers, both pre and postnatal, including preconception uptake of folic acid and vitamin D
- Promote healthy lifestyles for babies and young children, including through the Healthy Start scheme, Healthy Early Years Accreditation, EYFS, FNP and provision of quality early learning places for two year olds.¹⁹
- Implementation of an effective Smoke Free Homes and cars programme in Tower Hamlets
- Ensure high quality antenatal and newborn screening immunisation programmes
- Promote the use of Children's Centres and universal childcare provision for children with a disability and/or learning difficulty and their families during the early years, in order to meet their needs within universal provision wherever possible
- Improve access to psychological therapies through the development of the Improving Access to Psychological Therapies (IAPT) project
- Continued alignment of the Healthy Early Years Accreditation Scheme with Healthy Lives in schools.
- Take-up rates of Genetic Counselling service for children with disabilities and their families.

Supporting positive family and wider social relationships

- Provide women-centred care and enable informed decision making throughout the antenatal period
- Build on and extend parenting programmes tailored for parents and carers with children under the age of 3, including through quality pre-natal provision
- Learn lessons from the provision from Family Nurse Partnership to benefit all new parents through high quality pre and postnatal provision, including through engaging fathers in pre and postnatal provision
- Expand the Family Nurse Partnership

¹⁹ Healthy lifestyles includes promotion of breastfeeding, advice on weaning, healthy eating, oral health and active play

- Promote positive interaction and communication within the wider family, through group sessions, tailored advice and support to families from health and early years practitioners
- Support parents and carers to access sustainable employment, in particular supporting parents to prepare for moving onto Job Seekers Allowance (JSA) when their youngest child is five
- Support financial independence in families by embedding financial inclusion into services and raising awareness of changes to welfare benefits eligibility and sign posting families to appropriate money management or debt advice services.

Prevention from harm

- Raise understanding of child development theory and practice amongst all children's practitioners
- Ensure effective engagement with adult services for parents with additional needs, including parents with disabilities, learning difficulties, or mental health needs and parents or carers who are victims of domestic violence
- Increase the take up of services by male perpetrators of domestic violence and parents who misuse drugs and alcohol
- Increase the quality and availability of services available to children affected by domestic violence
- Support families to ensure the home environment is safe for their child
- Engage with schools to ensure that the teaching of SRE is balanced and adequate.

Managing effective transition between services

- Develop links between early years provision, nurseries, Children's Centres and primary schools to help support families as their children start primary school
- Ensure a coordinated step-down from children social care to suitable services when tier three intervention ends; and from Family Nurse Partnership (FNP) to suitable services when FNP support ends at the child's second birthday.

Additional strategy, policy and research work to be undertaken during the course of the plan

These are pieces of work which will be commissioned by the Partnership during the course of the plan to enable us to better understand issues and to target support appropriately.

- Investigate the local prevalence of consanguinity and its impact on child health to inform an assessment of need for genetic counselling and wider awareness raising in affected communities
- Undertake qualitative research into intergenerational influences on partial breastfeeding
- Refresh the maternity health improvement strategy
- Complete the Accident and Emergency pilot data collection of causes of admissions for unintentional injuries and deliberate injuries to inform the development of the child injury prevention strategy
- Develop the EARLY (Evidence-based Assessment for Risk-reduced Little-ones' foundation Years) Health Visitors Assessment Toolkit (Burdett Trust funded project)
- Develop a Mental Health and Wellbeing strategy (across the life course)
- Establish the prevalence of postnatal depression in the borough.

2. Childhood (6 to 11 year olds)

There are 19,275 children aged six to eleven, which is 8% of the total population in the borough and 29% of the 0 to 19 population (the second largest age group within the 0 to 19 population). The six to eleven population is projected to rise by 7.3% by 2015 to 20,789²⁰. There are high levels of poverty with 46.4% of primary age pupils eligible for Free School Meals in 2011, and take-up at 39.7%.

Of the 17,572 children in this age group registered on the 2011 Autumn School Census, 631 have a statement of Special Educational Needs (2%), and a further 3,696 (21%) are registered as School Action or School Action Plus.²¹

At 1 February 2012, there were 632 children aged 6 to 11 registered with the Council as having a disability, which is 3% of all 6 to 11 year olds.²²

In 2010, 2011 of 5 to 15 year olds registered with a GP were identified as having asthma.²³ Asthma is one of three conditions (the others being epilepsy and diabetes) which account for 94% of emergency admissions for children (under 19's) with long-term conditions.²⁴ Asthma in Tower Hamlets is statistically significantly 'worse' than the total population prevalence.

At 31 March 2012, there were 51 Looked After Children aged 6 to 11 (17% of all LAC cases), 94 children with child protection plans (34% of all CP cases) and 343 child in need cases (30% of all CiN cases).²⁵

We have seen improvements at key stage 1 in reading, writing and maths at Level 2 and Level 2b+ in 2011, although performance is still slightly below national averages. At key stage 2²⁶, our performance in English and maths combined is consistently rising. In 2011, 76% of children achieved level 4 compared to 74%. The achievement gap between those eligible for free school meals and their peers is 5% points compared to 20% nationally.

²⁰ GLA population projections – 2011 round. Borough-level population projections by single years of age

²¹ Autumn 2011 School Census, LBTH

²² Children with disability database, LBTH, February 2012

²³ East London Clinical Effectiveness Group data (2010)

²⁴ Tower Hamlets JSNA Asthma factsheet. http://www.towerhamlets.gov.uk/lgs/701-750/732_jsna.aspx

²⁵ Children's Social Management Information Report, LBTH, March 2012

²⁶ KS2 covers four years of schooling in maintained schools in England and Wales normally known as year 3, year 4, year 5 and year 6, when pupils are aged between 7 and 11. KS2 attainment reflects teacher assessment of a child as well as national test results

Achievement for Looked After Children is also impressive, with 55% achieving level 4 in 2011 compared with 40% of Looked After Children nationally. The gap between the percentage of LAC attending school and their peers is closing. In the primary sector, children who have been looked after for a year or more are exceeding attendance rates of their peers and national targets. For those with special education needs, 12% of those with a statement achieved level 4 compared to 15% nationally, and 48% of those with special educational needs but without a statement achieved level 4 compared to 38% nationally.

For the academic year 2010/11, primary school attendance was 94.8% – a new record high for the borough, just above the London rate of 94.7% and just 0.2% below the national rate at 95%. No schools had attendance below 92% and there was a trend of gradual improvement over the course of the year.

Although prevalence of childhood obesity in Year 6 has plateaued for the last three years, with the current rate at 25.6% for 2011/12, it is the 2nd highest in London and more needs to be done so that the rate starts to decline for year 6, as it has for children at reception.

The last available School PE and Sport Survey (2009/10) showed that children in Tower Hamlets take part in less formal physical activity than the England average, and the proportion of primary school children walking to school (whilst high) has fallen year-on-year, with levels of cycling to primary school remaining significantly lower than the national average.²⁷

Hospital admissions caused by unintentional and deliberate injuries in under 18s are significantly higher than the London average with a crude rate of 122.5 per 10,000 population aged 0-17 years. Children and young people from lower socio-economic groups are more likely to be affected by unintentional injuries. The social gradient is particularly steep in relation to deaths caused by household fires or sustained whilst walking and cycling.

What outcomes do we want to see during childhood?

This section sets out the outcomes²⁸ we want to impact on as a Partnership in the next three years.

Children are safe

- There are improvements in CAF scores by time of the CAF review

²⁷ Tower Hamlets JSNA Young People and Physical Activity factsheet http://www.towerhamlets.gov.uk/lqsl/701-750/732_jsna.aspx

²⁸ Those with an asterisk (*) denote those in the Public Health Framework. See appendix 3 for overview of outcomes and indicators

- Children are walking and cycling safely in the borough, with a decrease in the number of accidents sustained
 - Reduction in emergency admissions caused by unintentional or deliberate injuries.*
 - Children and young people are protected from harm and families are supported to provide a safe environment
- Reducing harmful relationships among peer/gender groups.

Children are healthy

- Decreasing levels of obesity and overweight 10 and 11 year olds, more opportunities for active play, walking and cycling and more healthy food choices at home and in schools, leisure centres and local takeaways, cafes and shops *
- Looked After Children receive their annual health assessment, are fully immunised and have had their appropriate screening checks eg. vision and dentist within the previous 12 months
- Looked After Children have good emotional wellbeing, indicated through positive results in their Strengths and Difficulties (SDQ) Questionnaire
- Children with disabilities and their families are supported following diagnosis
- Reduction in emergency admissions for children with asthma.

Children are achieving their full potential and are active and responsible citizens

- Good and improving key stage 2 attainment of level 4 English and maths, and good levels of progression between key stage 1 and 2 in English and in Maths
 - § for all pupils
 - § for pupils on Free School Meals
 - § for pupils with Special Educational Needs
 - § for Looked After Children
 - § for all ethnic groups and genders, with a particular focus on groups who have tended not to demonstrate high levels of attainment in the past
- Children who are victims of racial or homophobic incidents and bullying are identified and supported, and incidents decrease.

Children are emotionally and economically resilient for their future

- Children are attending primary school, with good levels of overall attendance rate and low levels of persistent absence

- Children are engaged in primary school, with low levels of children being excluded
- Children have an awareness of good money management.

How do we make sure we're on track to achieve these outcomes? What will we monitor, as a Partnership, during the course of the plan?

Listed below is the additional data we will look at throughout the life of the plan to ensure we are on track to achieve the outcomes above.

Monitoring whether children are safe

- Hospital emergency admissions caused by unintentional and deliberate injuries in age 5-17 years, per 10,000 resident population (Hospital Episode Statistics) and data on causes of injury
- Quarterly social care data – number of contacts and referrals for 6-11s, information share from LSCB reviews and audits
- Annual CAF outcomes report
- Annual sample report from SIP (considers number and type of referrals plus number of closed cases and reasons for closure)
- Child Protection Plans lasting 2 years or more
- Percentage of children becoming the subject of Child Protection Plan for a second or subsequent time
- Annual report on racial and homophobic incidents and bullying.

Monitoring whether children are healthy

- Annual National Child Measurement Programme data – proportion of children aged 10-11 classified as overweight or obese
- Annual report on Healthy Schools accreditation
- Data from school travel plans on numbers of school children walking and cycling to school
- Quarterly CAMHS referral data – including information on 'no shows'
- Annual trend emergency hospital admissions data for children with asthma

Monitoring whether children are achieving their full potential and are active and responsible citizens

- Quarterly update on primary school Ofsted inspections, including update on any schools in special measures
- Annual report on number of primary schools below Department for Education (DfE) floor standard (i.e. schools with fewer than 60% pupils

achieving L4+ in combined English & Maths, and where levels of progress in English & Maths are below the national median)

- Annual attainment data for key stage 2 attainment in English and Maths, and expected levels of progress in English and maths - for all pupils, FSM, SEN, LAC, by gender and by ethnic groups.

Monitoring whether children are emotionally and economically resilient for their future

- Quarterly data on numbers accessing the Youth Inclusion and Support Panel (YISP)
- Annual report on number of schools which have delivered financial education programmes for pupils and parents.

Themes to drive our work to achieve these outcomes

This section sets out what we think we need to do as a Partnership to make a difference to the outcomes of children and their parents.

Promoting positive health and emotional wellbeing

- Develop and promote opportunities for play and everyday physical activity for all children, including disabled children
- Ensure access to appropriate and high quality mental health support for children, both in and out of school
- Ensure every primary aged child has the opportunity and support to be involved in enrichment activities. This could include performing on stage; taking part in a sporting event; participating in a residential trip; singing in a choir; playing a musical instrument; having a position of responsibility; beginning to learn another language; or participating in public speaking
- Ensure support for young parents in the care of their children and in the management of asthma in the home; providing support as well as facilitating access to health advice and therapy through NHS Direct and enhanced primary care
- Reviewing processes and procedures to ensure that we are in line with the government's approach to special educational needs and disability.

Supporting positive family and wider social relationships

- Engage and support parents and carers as their children start primary school, and when they start planning for secondary school
- Identify and meet the needs of very young carers
- Ensure we have a clear offer of targeted support for children at tier two of the Family Wellbeing Model who are aged 6 to 11, with appropriate

practitioners taking the lead practitioner role and working at a Team Around the Child, both to prevent escalation to tier 3 and at step down.

Prevention from harm

- Promote road and canal safety amongst primary school pupils
- Work with community and other universal services to stop the use of physical chastisement
- Enable children to develop positive, healthy peer/gender relationships, promoting a zero tolerance approach to violent and exploitative relationships
- Continue to promote greater awareness of eSafety including keeping ahead of technological developments.

Managing effective transition between services

- Develop better links between primary and secondary schools so that children and their families are supported with the move into secondary school
- Ensure a coordinated step-down from children's social care to targeted and universal support, when tier three intervention ends. Also explore the development of further targeted support for this age group.

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3. Young People (12 to 16 year olds)

The 12 to 16 year old population in Tower Hamlets makes up 6% of the total population in the borough and 21% of the 0 to 19 population. In 2012 the GLA estimate that there are 14,071 young people aged between 12 years and 16 years old. The number of 12 to 16 year olds is set to rise to 14,897 by 2015 (representing an increase of 5.5%).²⁹

The locally developed Mayhew dataset now estimates that 61.2% of young people aged between 12 and 16 years of age are from a Bangladeshi background.³⁰ There are high levels of poverty with 60% of secondary age pupils eligible for Free School Meals, the highest in the country.

Of the 12,803 young people in school years 8 to 12, 568 had a statement of Special Educational Needs (4.4%) and 2183 (17%) were School Action or School Action Plus.³¹

There are 394 young people aged between 12 and 16 registered with the Council as having a disability, which is 24.9% of all 12-16 year olds.³²

At 31 March 2012, there were 142 Looked After children aged 12 to 16 (48% of all LAC cases), 58 children with child protection plans (21.2% of all CP cases) and 261 child in need cases (22.6% of all CiN cases).³³

In 2011/12 there were 199 young offenders aged between 12 and 16 years, representing 67% of all young offenders in that year. Since April 2011 we have seen a significant rise in the number of young people being referred into Triage diversion for screening and intervention. The team has dealt with 106 young people and has managed to divert 81 young people from becoming first time entrants into the criminal justice system.

Reoffending rates between 2009 and 2011 increased by 1.3 percentage points in Tower Hamlets with similar increases also seen in London (1.6 percentage point increase). Data for 2011/12 should give a more rounded view of progress in this area, and will be available later this year.

²⁹ GLA population projections – 2011 round. Borough-level population projections by single years of age

³⁰ Mayhew

³¹ Autumn 2011 School Census, LBTH

³² Children with disability database, LBTH, February 2012

³³ Children's social Management Information Report, LBTH, March 2012

119 young people aged 12 to 19 years of age were in treatment for alcohol and substance misuse in 2011/12. Of all substance misuse referrals, 30.7% were for young people aged 13 and 14 years. 59% of all referrals to Child and Adolescent Mental Health Services (CAMHS) were also for young people aged 12 to 18.

Mental health data is limited, but national evidence shows that one in ten children aged between 5 and 16 has a clinically diagnosable mental health problem.. About half of these have a conduct disorder, 3.7% an emotional disorder (anxiety, depression) and 1-2% have severe Attention Deficit Hyperactivity Disorder (ADHD). Half of those with lifetime mental illness (excluding dementia) first experience symptoms by the age of 14, and three-quarters before their mid-20s. The rate of disorders rise steeply in middle to late adolescence.

11-16 year olds with an emotional disorder are more likely to smoke, drink and use drugs. Nationally, around 60% of Looked After Children and 72% of those in residential care have some level of emotional and mental health problem. A high proportion experience poor health, educational and social outcomes after leaving care. Self-harming amongst young people is not uncommon (10-13% of 15-16 year olds have self-harmed) but of a fraction of cases are seen in hospital settings.

While local data is no longer available, previous data shows that rates of cigarette smoking are similar to the national average and may be increasing amongst girls.

We have seen continuous improvement at key stage 4³⁴ with 16 year olds last summer achieving the borough's best ever results at GCSE. 61.4% of pupils achieved 5 or more A*-C grade GCSEs, including English and maths which meant they performed better than their peers nationally and Tower Hamlets' results improved by almost 10 percentagepoints from summer 2010.

Furthermore, the percentage of low performing pupils (based on key stage 2 scores) making the expected level of progress at key stage 4 bucks the national trend. For English, it is 19.6 percentagepoints higher than the national performance in this area and for maths it is 25.9 percentagepoints higher.

³⁴ KS4 covers two years of school education which incorporate GCSEs, and other exams, in maintained schools in England, Wales and Northern Ireland normally known as year 10 and 11, when a pupils are aged between 14 and 16

Pupils eligible for Free School Meals also performed comparatively well with 57.5% achieving 5 or more A*-C grade GCSEs, including English and maths compared to 34.6% of children nationally. The achievement gap between pupils eligible for free school meals and their peers is 9 percentage points in Tower Hamlets, compared to 27.4 percentage points nationally in 2011/12.

However, young people from a White British background have low levels of attainment compared to their peers nationally. 44% of young people from a White British background achieved 5 or more A*-C grade GCSE including English and Maths compared to 58% nationally.

Achievement of Looked After Children is significantly below that of their peers in the borough at GCSE, but is improving and is better than the national picture. In 2011/12 23.5% of Looked After Children achieved 5 or more A*-C grade GCSEs which compares to 18.5% in 2009/10 and 9.8% nationally.

For those with special educational needs, 17.3% of those with a statement achieved 5 or more A* - C GCSEs including English and Maths compared to 8.5% nationally, and 34.8% of those with special educational needs but without a statement achieved this level compared to 24.7% nationally.

Attendance figures for the 2010/11 academic year shows a new record high for attendance at both primary and secondary; and a continuation of the downward trend in persistent absence at both primary and secondary. For the academic year 2010/11, secondary school attendance was 94.3%, above the London rate of 94% and the national rate of 93.5%. Secondary school persistent absence for the same period was 2.8% which is below the London rate of 3.5% and national rate of 4%.

We have also seen an impressive reduction in the under 18 conception rate in Tower Hamlets with a decrease of 21.9% from the 2009 rate. Tower Hamlets achieved the second highest reduction in London and ranked 5th in England and Wales at Unitary Authority level. The indicator is measured as a percentage change on the 1998 baseline. In 2010 there were 101 young people recorded in this cohort for Tower Hamlets, compared to 132 in 2009.

What outcomes do we want to see for young people?

This section sets out the outcomes³⁵ we want to impact on as a Partnership in the next three years.

Young people are safe

- Decreasing levels of serious youth violence*
- Reduction in the number of children and young people missing from home or care, and reducing risks of sexual exploitation
- Reduction in the number of young people sustaining road traffic injuries (reduction in numbers of children who are killed or seriously injured and slight casualties)*
- Reduction in the number of young people who self-harm, and an increase in access to support for those who do.

Young people are healthy

- Reduction in the under 18 conception rate*
- Decreasing levels of young people with sexually transmitted infections and better detection of Chlamydia in 15-24 year olds
- Reduction in young people entering alcohol and substance misuse treatment for a second or subsequent time*
- Reduction in take up of smoking amongst young people *
- Increased take up of human papilloma virus (HPV) vaccination in girls and of school leavers booster
- Good and improving immunisation rates*
- Looked After Children receive their annual health assessment and have had their teeth checked by a dentist within the previous 12 months
- Looked After Children have good emotional wellbeing, indicated through positive results in their Strengths and Difficulties (SDQ) Questionnaire.
- All young people with mental health needs to have access to appropriate services

Young people are achieving their full potential and are active and responsible citizens

³⁵ Those with an asterisk (*) denote those in the Public Health Framework. See appendix 3 for overview of outcomes and indicators

- Good and improving key stage 4 attainment (5 or more A*-C grade GCSEs including English and maths)
 - § for all pupils
 - § for pupils on Free School Meals
 - § for all pupils with SEN
 - § for Looked After Children
 - § for underachieving groups eg. White British young people
- Increasing numbers of young people volunteering
- Increased identification of young carers
- Decreasing numbers of young people entering youth justice for the first time*
- Increasing numbers of young people securing accredited outcomes through Positive Activities for Young People (PAYP) and increasing numbers of girls accessing youth services.

Young people are emotionally and economically resilient for their future

- Children are attending secondary school, with good levels of overall attendance rates and low levels of persistent absence
- Children are engaged in secondary school, with low levels of children being excluded
- Young people have an awareness of good money management
- Young people have high aspirations for their future
- Increasing numbers of young people in casual employment who have an approved and acceptable working environment *
- Increasing numbers of young people are progressing into further education
- Increasing numbers of young people develop their work related skills
- Increasing uptake of parenting support services by parents of young people aged 16-24.

How do we make sure we're on track to achieve these outcomes? What will we monitor, as a Partnership, during the course of the plan?

Listed below is the additional data we will look at throughout the life of the plan to ensure we are on track to achieve the outcomes above.

Monitoring whether young people are safe

- Quarterly social care data – including numbers of LAC and disability data
- Annual secondary school data on racial and other discriminatory incidents

- Annual CAF outcomes report
- Annual sample report from SIP (considers number and type of referrals plus number of closed cases and reasons for closure)
- Annual report on racial and homophobic incidents and bullying.

Monitoring whether young people are healthy

- Annual sexual health data from the Tower Hamlets Young People Relationship and Sexual Health Questionnaire
- Health Protection Agency chlamydia screening rates
- Quarterly CAMHS referral data, including DNA and waiting times and drop-out figures (if available)
- Quarterly data on number of young people accessing education psychology services
- Annual alcohol and substance misuse commissioning report from the National Drug Treatment Management System
- Annual results from the school immunisation programme.

Monitoring whether young people are achieving their full potential and are active and responsible citizens

- Annual attainment data for key stage 4
- Quarterly Ofsted inspection results for secondary schools
- Number of secondary schools below DfE floor standard
- Numbers of schools in special measures
- Secondary annual attendance and exclusion data
- Quarterly youth offending management information report (Prevention and Diversion).
- Numbers of young people participating in Young Mayor's elections/Youth Parliament

Monitoring whether young people are emotionally and economically resilient for their future

- Quarterly PAYP data and data on numbers accessing the youth service
- Numbers of secondary schools providing financial education and access to financial capability projects
- Establish a comprehensive list of young carers in the borough

Themes to drive work to achieve outcomes

This section sets out what we think we need to do as a Partnership to make a difference to the outcomes of young people and their parents.

Promoting positive health and emotional wellbeing

- Ensure access and take up of appropriate and high quality mental health support for young people aged 12 to 16 (improved levels of DNA to CAMHS)
- Support young people with caring responsibilities to identify themselves as carers at an early stage, recognising the value of their contribution and enabling a whole family approach to assessment
- Support more young people to live healthier lives encouraging better diet and involvement in physical activity
- Provide high quality Sex and Relationship Education (SRE), easy access to youth-centred sexual health services and early intervention to target young women at greatest risk of pregnancy
- Ensure enrichment activities are available for all secondary aged young people both in cross-borough activities and within their school. This could include performing on stage; taking part in a sporting event; participating in a residential trip; having a position of responsibility; visiting a FE College, university or employer; work experience; and taking part in voluntary work
- Improve access to psychological therapies through the development of the Improving Access to Psychological Therapies (IAPT) project.

Supporting positive family and wider social relationships

- Ensure that young people are able to make informed decisions about drug use, based on high quality drug education and prevention approaches and rapid access to treatment services if problems develop
- Ensure that young people have access to early targeted intervention and advice on employment, education and training (EET), including advice on money management and financial services
- Encourage stronger male role models for the most vulnerable young people.

Prevention from harm

- Intervene early to support young people to keep out of the youth justice system and reduce serious youth violence among young people

- Improve monitoring of children who go missing from home and care
- Promote healthy relationships between young people and increase awareness of possible exploitative relationships, enabling young people to stay safe and build resilience.

Managing effective transition between services

- Develop support to parents as their children progress through secondary school and start to prepare for their transition to further education or employment
- Ensure a coordinated step-down from children's social care and from the Youth Offending Team (YOT) to targeted and universal support.

Additional strategy, policy and research work to be undertaken during the course of the plan

These are pieces of work which will be commissioned by the Partnership during the course of the plan to enable us to better understand issues and to target support appropriately.

- Undertake more work to find out about the needs of young people with a parent in prison and the extent of the numbers of children and families affected
- Undertake research to identify the prevalence of child sexual exploitation locally. Trial Bedford University's toolkit for monitoring sexual exploitation
- Undertake research to identify why White working class boys are underachieving.

4. Preparing for Adulthood (17-24 year olds)

It is estimated that Tower Hamlets has 32,114 residents aged 17-24; this is equivalent to 12.7% of the borough's population and 35.8% of all under 24 in the borough. Compared to London, Tower Hamlets has a higher proportion of 17-24 year olds but population projections suggest that this age group will only grow by 1.7% by 2015. However, this group includes 8,115 young people aged 17 to 19, which is projected to rise by 6.3% within the next five years.³⁶

The gender and ethnic breakdown of this group broadly reflects the wider under 24 population. In 2011, locally developed data estimated that 54 per cent of the young people in this age group were female and 46 per cent were male.³⁷

2,465 of young people in the school census are in years 13 and 14, and of these 107 had a statement (5.5%) while 96 (5%) were School Action or School Action Plus.

We have seen some improvement in A-Level attainment, with an average point score per pupil of 642.4 in 2011, but improvement has only been marginal and we have failed to close the gap between Tower Hamlets' attainment and the national average.

Overall, more 16-18 year olds in the borough are achieving three or more A Levels. Achievement of level 2 qualifications (GCSE or equivalent), and level 3 qualifications (A Level or equivalent) by the age of 19 also improved in 2011; 75.8 per cent of young people had achieved a level 2 qualification by the age of 19 and 47.4 per cent had achieved a level 3 qualification, although we are still performing below the national average.

According to the Tower Hamlets Destination Survey 2011, 91 per cent of the 2011 Year 11 cohort went onto full time education, although this includes more females than males. Of the 18 year olds surveyed, 24 per cent progressed to higher education, whilst 43.9% remained in another form of full time education.

Over the past four years the proportion of 16-18 year olds who are not in education, employment or training has decreased by 3.3 percentage points. After accounting for the recent extension to the NEET criteria to include 19

³⁶ GLA population projections – 2011 round. Borough-level population projections by single years of age

³⁷ Mayhew dataset (Network Knowledge Management (NKM) population), is based on administrative databases which include a detailed analysis of the administrative data sets at March 2011

year olds, NEET figures stand at 5 per cent (2011/12) in Tower Hamlets and still compare favourably to the national average of 6.1 per cent. However, the proportion of young people aged 18-24 claiming Job Seekers Allowance has increased since 2008 and was 10.3 per cent in 2012³⁸, implying the progress made at ages 16-18 does not always translate to longer term progress at ages 18-24. The higher percentage of JSA claims is also indicative of the wider economic and employment situation nationally.

Children's social care services work with children and young people up to the age of 18 except where they are entitled to a leaving care service in which case they will continue to receive support until the age of 21 (or 25 if in higher education). Some young people with special educational needs will continue to be entitled to support until they are 25 if the proposals set out in the SEN Green Paper are put into effect.

In March 2012, 36 young people aged over 16 years were looked after, 1 child was subject to a child protection plan; and 201 were children in need. There were 23 young people aged 17-19 years allocated to the children with disabilities team.³⁹ In 2011, 87 per cent of 19 year olds who had been looked after at the age of 16 were in education, employment or training. This is more than 20 percentage points above the London and national average.⁴⁰ However, indications are that the numbers are now reducing.

Chlamydia rates in the borough are lower than average for the 15-24 age group, though women aged 16-19 are considered at risk.

What outcomes do we want to see for young people who are preparing for adulthood?

This section sets out the outcomes⁴¹ we want to impact on as a Partnership in the next three years.

Young people are safe

- Increased reporting of domestic violence incidents among young couples and siblings and victims accessing domestic violence services.*

³⁸ ONS Data, March 2012:

<http://www.neighbourhood.statistics.gov.uk/HTMLDocs/dvc6/jsamap.html>

³⁹ Children's Social Care Management Information Report, March 2011

⁴⁰ DfE data release, March 2011:

<http://www.education.gov.uk/rsgateway/DB/SFR/s001026/index.shtml>

⁴¹ Those with an asterix (*) denote those in the Public Health Framework. See appendix 3 for overview of outcomes and indicators

- Increasing numbers of our most vulnerable young people, including young people leaving care, young offenders and young people with a disability, learning difficulty or mental health problem securing appropriate, safe housing.*

Young people are healthy

- Increasing numbers of under 24 years olds accessing sexual health services and decreasing levels of young people with sexually transmitted infections
- Increasing numbers of young people, especially young people leaving care, registering and accessing primary care services
- Good and improving levels of young people with mental health needs progressing to adult services.

Young people are achieving their full potential and are active and responsible citizens

- Good and improving attainment at key stage 5⁴²
- Good and improving achievement of level 3 qualifications, especially for young people leaving the criminal justice system, care leavers, young carers, teenage parents and children with disabilities
- An improving proportion of students progressing to a sustained education destination within one year of 16-18 learning (based on 2012/13 baseline)
- Good levels of participation in the National Citizenship Programme (based on 2012/13 baseline).

Young people are emotionally and economically resilient for their future

- Increased uptake and completion of apprenticeships and work based learning opportunities, including by Looked After Children
- Increasing numbers of 16-24 years olds are in education, employment or training, with a particular focus on young people leaving care, teenage parents and young people who are known to the YOT and young people with a disability and/or learning difficulty *
- Increasing levels of young people accessing careers advice and job brokerage services
- Increasing uptake of parenting support services by parents of young people aged 16-24
- Increased uptake of parenting support services by teenage parents
- Increased number of care leavers in education training or employment

⁴² KS5 is used to describe the two years of post-compulsory education for students aged 16-18, at school or at college

- Increasing numbers of students in sixth forms/college develop their work related skills.

How do we make sure we're on track to achieve these outcomes? What will we monitor, as a Partnership, during the course of the plan?

Listed below is the additional data we will look at throughout the life of the plan to ensure we are on track to achieve the outcomes above.

Monitoring whether young people who are safe

- Quarterly DV reporting data
- Quarterly Transition plans data for CWD and SEN
- Reports and recommendations from Serious Case Reviews
- Numbers of young people known to Adult and Children's Social Care
- Annual CAF outcomes report
- Annual sample report from SIP (considers number and type of referrals plus number of closed cases and reasons for closure).

Monitoring whether young people who are healthy

- Annual scores on the effectiveness of CAMHS
- Sexual health screening data
- Health Protection Agency Chlamydia screening rates. Number of young people accessing emergency dental services

Monitoring whether young people who are achieving their full potential and are active and responsible citizens

- Annual key stage 5 attainment data
- NEET data for CWD, LAC, SEN and young people leaving the criminal justice system
- Annual data on proportion of students who progressed to a sustained education destination within one year of 16-18 learning (reporting from 2013-14)
- Annual apprenticeships data by vulnerable groups
- DWP Work Experience Programme Data.

Monitoring whether young people are emotionally and economically resilient for their future

- Annual data on young people accessing supported accommodation
- Monthly JSA claimant data
- Termly uptake of Mayor's Education Allowance and 16-19 Bursary
- Careers and Skillsmatch data.

Monitoring all outcomes

- Monthly monitoring reports for Transitional Support Services and New Start.

Themes to drive our work to achieve these outcomes

This section sets out what we think we need to do as a Partnership to make a difference to the outcomes of young people aged 17 plus and their parents.

Prevention from harm

- Develop support for our most vulnerable young people and ensure they have access to safe, appropriate accommodation.

Promoting positive health and emotional wellbeing

- Promote healthy choices and healthy behaviour to ensure good sexual health
- Work with vulnerable groups to improve registrations with GPs
- Develop pathways to training and employment for young people who have disabilities or mental health needs, care leavers and young people leaving the youth justice system
- Deliver high quality apprenticeships which are responsive to economic needs
- Deliver financial literacy sessions and explore how financial literacy and welfare reform programmes can be tailored to vulnerable groups.

Supporting positive family and wider social relationships

- Tailor existing parenting programmes to parents/carers of children who are preparing for further and higher education or employment, and children with a disability as they prepare for adulthood
- Provide effective support to teenage parents
- Promote positive role models and tailored mentoring programmes.

Managing effective transition between services

- Ensure timely transition plans for young people leaving care, accessing substance misuse services and young people with disabilities or mental health needs who are progressing to adult services
- Provide effective support to meet the emotional needs of young people with a disability, learning difficulty and/or life threatening medical condition as they face the challenges of approaching adulthood.

Additional strategy, policy and research work to be undertaken during the course of the plan

These are pieces of work which will be commissioned by the Partnership during the course of the plan to enable us to better understand issues and to target support appropriately.

- Develop a better understanding of domestic violence amongst young people in intimate relationships and links with sexual exploitation
- Explore maltreatment of 18-24 year olds by family members
- Improve our understanding of forced marriages in the borough.

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Appendix 1

Related documents

The Children and Families Plan is the overarching strategic plan for children and families in the borough, and therefore sets out the overarching framework for the Children and Families Partnership for 2012 to 2015. It sits alongside the borough's Health and Wellbeing Strategy which applies to the population as a whole.

The Children and Families Plan also supports the implementation of the Tower Hamlets Community Plan and its vision "to improve the quality of life of everyone living in Tower Hamlets". The Children and Families Plan is fundamental in taking forward the Community Plan priorities to make Tower Hamlets a prosperous, safe and supportive and a healthy community.

Other related strategies and policies for improving outcomes for children and families in the borough include:

- Family wellbeing model
- Maternity health improvement strategy
- Health and wellbeing strategy
- Violence against women and girls strategy
- Parental engagement and support policy
- Child poverty strategy
- Financial inclusion Strategy
- Employment strategy
- Homelessness strategy
- Public health outcomes framework
- Healthy weight strategy
- Sexual health strategy
- Mental health strategy
- Breastfeeding policy

Appendix 2

CAF headings	Vulnerable groups
Parent factors	Neglected or abused children: children in need, children with protection plans or looked after children
	Children whose parents/ carers have difficulties providing positive parenting, or who may need additional support in parenting
	Teenage parents and their children
	Young carers or those whose progress is being affected by problems of family members such as substance abuse, physical or learning disabilities, or mental health concerns
	Children from families where there are domestic violence concerns
	Children with a parent in prison
Family and environmental factors	Children/young people at risk of substance abuse or children misusing substances
	Children/young people with poor lifestyles in terms of exercise and/or diet
	Children/young people in the criminal justice system, or at risk of entering the criminal justice system
	Children whose progress is being affected by extreme poverty, family worklessness and/or housing problems or homelessness
	Children experiencing bereavement, loss, separation or other family disruption
	Asylum seekers, refugees, travellers
Development of the baby, child or young person	Very young babies/children (aged 0 to 5)
	Children/young people with physical disabilities and serious medical conditions
	Children/young people with mental health needs
	Underachieving children at school or at risk of underachieving (KS 1 – KS4)– this covers absence, exclusions, children struggling with transition, children with SEN, looked after children and children on free school meals. It also considers attainment by ethnicity, and overall performance of pupils at key stage exams
	Underachieving or at risk of underachieving post 16, including young people NEET or at risk of becoming NEET
	Those bullying or bullied
	Young runaways
	LGBT children/young people

Appendix 3 Public health outcomes framework, overview of outcomes and indicators

Vision	
To improve and protect the nation's health and wellbeing, and improve the health of the poorest fastest.	
Outcome measures	
Outcome 1: Increased healthy life expectancy, ie taking account of the health quality as well as the length of life.	
Outcome 2: Reduced differences in life expectancy and healthy life expectancy between communities (through greater improvements in more disadvantaged communities).	
1 Improving the wider determinants of health	2 Health Improvement
Objective	Objective
Improvements against wider factors that affect health and wellbeing and health inequalities	People are helped to live healthy lifestyles, make healthy choices and reduce health inequalities
Indicators	Indicators
<ul style="list-style-type: none"> • Children in poverty • <i>School readiness (Placeholder)</i> • Pupil absence • First time entrants to the youth justice system • 16-18 year olds not in education, employment or training • People with mental illness or disability in settled accommodation • <i>People in prison who have a mental illness or significant mental illness (Placeholder)</i> • Employment for those with a long-term health condition including those with a learning difficulty/ disability or mental illness • Sickness absence rate • Killed or seriously injured casualties on England's roads • <i>Domestic abuse (Placeholder)</i> • <i>Violent crime (including sexual violence) (Placeholder)</i> • Re-offending • <i>The percentage of the population affected by noise (Placeholder)</i> • Statutory homelessness • Utilisation of green space for exercise/health reasons • Fuel poverty • <i>Social connectedness (Placeholder)</i> • <i>Older people's perception of community safety (Placeholder)</i> 	<ul style="list-style-type: none"> • Low birth weight of term babies • Breastfeeding • Smoking status at time of delivery • Under 18 conceptions • <i>Child development at 2-2.5 years (Placeholder)</i> • Excess weight in 4-5 and 10-11 year olds • Hospital admissions caused by unintentional and deliberate injuries in under 18s • <i>Emotional wellbeing of looked-after children (Placeholder)</i> • <i>Smoking prevalence – 15 year olds (Placeholder)</i> • Hospital admissions as a result of self-harm • <i>Diet (Placeholder)</i> • Excess weight in adults • Proportion of physically active and inactive adults • Smoking prevalence – adult (over 18s) • Successful completion of drug treatment • People entering prison with substance dependence issues who are previously not known to community treatment • Recorded diabetes • Alcohol-related admissions to hospital • <i>Cancer diagnosed at stage 1 and 2 (Placeholder)</i> • Cancer screening coverage • Access to non-cancer screening programmes • Take up of the NHS Health Check Programme – by those eligible • Self-reported wellbeing • Falls and injuries in the over 65s
3 Health protection	4 Healthcare public health and preventing premature mortality
Objective	Objective
The population's health is protected from major incidents and other threats, while reducing health inequalities	Reduced numbers of people living with preventable ill health and people dying prematurely, while reducing the gap between communities
Indicators	Indicators
<ul style="list-style-type: none"> • Air pollution • Chlamydia diagnoses (15-24 year olds) • Population vaccination coverage • People presenting with HIV at a late stage of infection • Treatment completion for tuberculosis • Public sector organisations with board-approved sustainable development management plans • <i>Comprehensive, agreed inter-agency plans for responding to public health incidents (Placeholder)</i> 	<ul style="list-style-type: none"> • Infant mortality • Tooth decay in children aged five • Mortality from causes considered preventable • Mortality from all cardiovascular diseases (including heart disease and stroke) • Mortality from cancer • Mortality from liver disease • Mortality from respiratory diseases • <i>Mortality from communicable diseases (Placeholder)</i> • <i>Excess under 75 mortality in adults with serious mental illness (Placeholder)</i> • Suicide • <i>Emergency readmissions within 30 days of discharge from hospital (Placeholder)</i> • Preventable sight loss • <i>Health-related quality of life for older people (Placeholder)</i> • Hip fractures in over 65s • Excess winter deaths • <i>Dementia and its impacts (Placeholder)</i>

EQUALITY ANALYSIS

Name of 'proposal' and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)	Children and Families Plan 2012-15
Directorate / Service	Children, Schools and Families
Lead Officer	Isobel Cattermole, Corporate Director
Signed Off By	

Stage	Checklist Area / Question	Yes / No / Unsure	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Yes	The vision for the new plan is for all children to be safe, healthy, educated and emotionally and economically resilient for their future. The plan takes a life course approach, and specific outcomes for children based on our vision are set out for each life stage.
b	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?	Yes	The plan applies to all children and young people in the borough and their families. It also applies to all services/agencies who are members of the Children and Families Partnership, so is relevant for all practitioners working with children and families in the borough. The evidence base for the plan includes information on a number of the protected characteristics as they apply to children and young people. This data is summarised in the plan and includes disability, age, race, gender and pregnancy and maternity, for example.

c	<p>If there a narrative in the proposal where NO impact has been identified? Please note – if a Full EA is not be undertaken based on the screen or fact that a proposal has not been 'significantly' amended, a narrative needs to be included in the proposal to explain the reasons why and to evidence due regard</p>	No	All areas of the plan include identified outcomes for children and young people and/or their families.
2 Monitoring / Collecting Evidence / Data and Consultation			
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	Yes	Existing performance indicators and outcomes data has been used to determine future outcomes we are aiming to achieve. See comment at 1b for data on equality groups which is outlined in the plan.
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	Yes	The plan is based on a detailed evidence base which includes analysis of national and local research and information about vulnerable groups and different equality groups. The plan is based on thorough analysis and consideration of protected characteristics eg. age, race, disability, pregnancy and maternity, gender.
b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	The evidence base for the plan was developed with stakeholders from across the Children and Families partnership, including strategic and operational managers and practitioners.
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	The evidence base included consideration of previous consultation with children and families, and in addition consultation was undertaken with young people at a Youth Council meeting in April 2012 and with parents at the 2012 parent conference in March. Attendance at events was representative of the local community.
3 Assessing Impact and Analysis			
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	Yes	Sources of evidence include national and local research, national policy positions which have themselves been equality impact assessed, local performance information and stakeholder experience. Consideration of impact against the protected characteristics

is set out below.

Age

The plan sets out the outcomes we are aiming to achieve for children and young people aged 0 to 24. This age group will particularly benefit from the plan. In addition, by aiming to improve outcomes for families and to support children and young people into adulthood, the plan will also benefit older age groups. The plan should not have a negative impact on any age group.

Disability

The evidence base for each life stage includes consideration of the number of children and young people who are disabled, and the numbers with Special Educational Needs (SEN). Outcomes for each life stage include positive outcomes for children and young people with disabilities and/or SEN, and the plan also identifies the need to monitor data on numbers registered as disabled, on attainment for children and young people with SEN and on housing for young people and on transition planning for children with disabilities. The expectation is that this focus will have a positive outcome on people with disabilities in the borough.

Sex

The plan sets out positive outcomes for all children and young people and should have a positive impact on both sexes. However, there are specific examples of activity for particular sexes eg. particular work to engage fathers in pre and postnatal provision, increasing access of youth services by girls.

Religion or belief

The plan sets out positive outcomes for all children and young people and should have a positive impact on children and young people, of all religions/ beliefs.

			<p>Sexual orientation One of the vulnerable groups which the plan seeks to support is LGBT children/young people. The plan sets out positive outcomes for all children and young people and should have a positive impact on all children and young people, but it all contains activity to tackle bullying and homophobic incidents in schools and other settings.</p> <p>Ethnicity The plan sets out positive outcomes for all children and young people and should have a positive impact on both sexes. However, there are examples of activity geared towards specific ethnicities including white British young people at key stage 4.</p> <p>Pregnancy/ maternity The plan has a focus on maternity and early years, with an emphasis on pre-birth which has been developed in response to national and local evidence of need, and evidence of what outcomes are important during this life stage. There is also significant activity in the plan which supports teenage parents and their babies/children.</p>
	<p>Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?</p>	Yes	All activity is geared towards need which is based on analysis of need by the vulnerable groups listed in the evidence base.
b	<p>Has the assessment sufficiently considered the three aims of the Public Sector Equality Duty (PSED) and OTH objectives?</p>	Yes	<p>We have considered the 3 aims.</p> <p>The proposal will help partners to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;</p> <p>advance equality of opportunity between people from different groups; and</p> <p>foster good relations between people from different groups.</p>

Mitigation and Improvement Action Plan		
4	Is there an agreed action plan?	To be developed once plan approved by Children and Families Partnership
a		No
b	Are all actions SMART (Specific, Measurable, Achievable, Relevant and Time Bounded)	See above
c	Are the outcomes clear?	See above
d	Have alternative options been explored	See above
6	Quality Assurance and Monitoring	
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes The plan will be reviewed annually.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics?	Yes Progress will be monitored by the Children and Families Partnership and this will include monitoring by protected characteristics.
7	Reporting Outcomes and Action Plan	
a	Does the executive summary contain sufficient information on the key findings arising from the assessment	Yes The plan summarises the key findings from the evidence base which have informed the activity outlined in the plan.
8	Sign Off and Publication	
a	Has the Lead Officer signed off the EA? Please note – completed and signed off EA and Quality Assurance checklists to be sent to the One Tower Hamlets team	Yes

Any other comments			
Signature	Layla Richards	Date	30 August 2012

Please keep this document for your records and forward an electronic version to the One Tower Hamlets Team

Agenda Item 8.1

Committee: Cabinet	Date: 3 October 2012	Classification: Unrestricted	Report No: (CAB 041/123)
Report of: Assistant Chief Executive (Legal Services) Originating officer(s) David Galpin, Head of Legal Services - Community		Title: Enforcement Policy Wards Affected: All	

1. SUMMARY

- 1.1. On 8 September 2010, Cabinet agreed a council-wide enforcement policy. The policy's implementation has been reviewed by reference to enforcement action carried out in the 2011/2012 financial year. It is considered that the policy is fit for purpose, but that it should be revised in relation to covert investigations, once the Protection of Freedoms Act 2012 takes effect.

2. DECISIONS REQUIRED

The Mayor in Cabinet is recommended to:-

- 2.1. Consider the information set out in the report.
- 2.2. Agree the revised enforcement policy in Appendix 3.

3. BACKGROUND

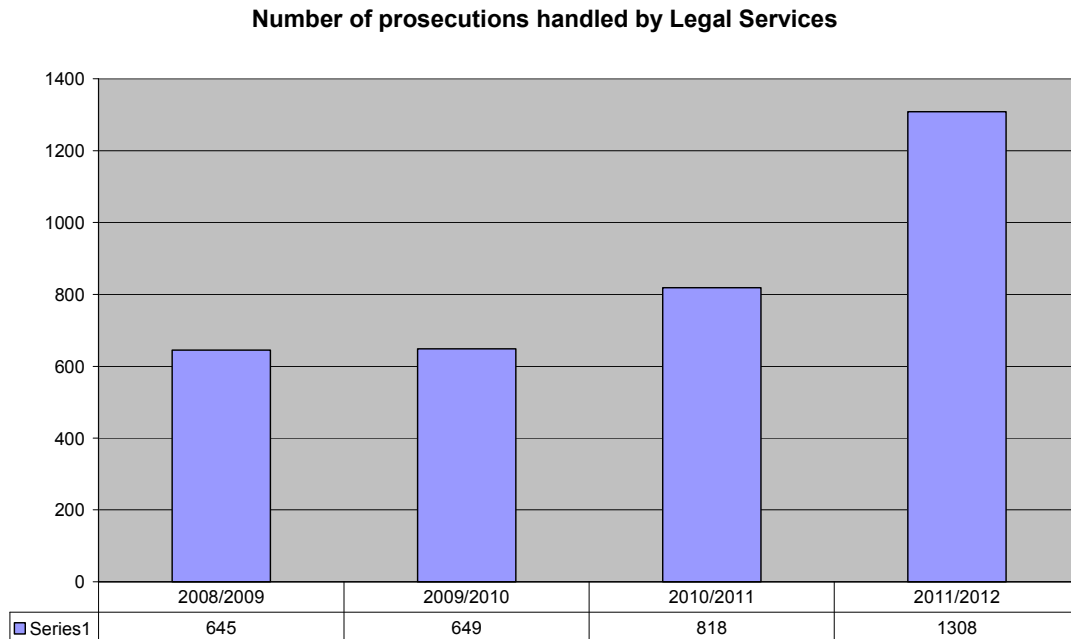
- 3.1. The enforcement policy adopted by the Council on 8 September 2010 introduced five key principles of enforcement, namely –
 - **Raising awareness** of the law and its requirements.
 - **Proportionality** in applying the law and securing compliance.
 - **Consistency** of approach
 - **Transparency** about the actions of the Council and its officers.
 - **Targeting** of enforcement action.
- 3.2. This report provides a summary of enforcement activity for the 2011/2012 financial year and an analysis of whether or not such action is consistent with the five expressed principles. Consideration is also given to whether the policy requires revision.

4. **BODY OF REPORT**

4.1. **ENFORCEMENT ACTIVITY: PROSECUTIONS**

4.2. In 2011/2012, the Council completed 1308 prosecutions. This was a significant increase over previous years, as shown in the following chart.

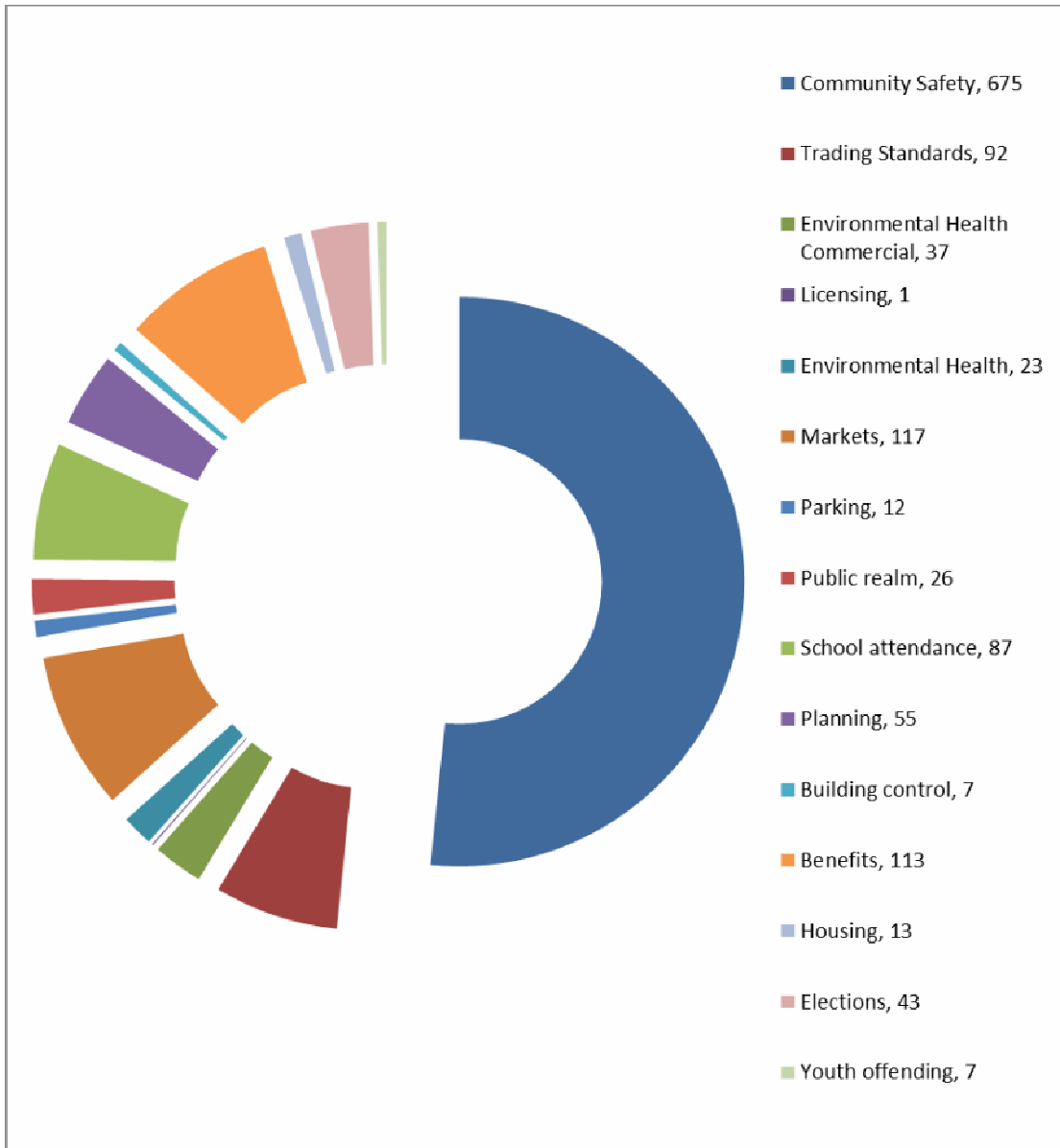
Figure 1



4.3. The prosecution types and outcomes are set out in Appendix 1. Figure 2 shows the breakdown of Council prosecutions in 2011/2012 by reference to broad areas of enforcement.

4.4. The Communities Localities and Culture directorate made the single largest contribution to the Council's prosecutions, with 971 cases (74%). The Tower Hamlets Enforcement Officers contributed 554 cases (42%) of the Council's total prosecutions.

Figure 2 - Council Prosecutions in 2011/2012



- 4.5. The elections cases referred to in Figure 2 involved enforcement by the Council of compliance with the canvass and this work is referred to in more detail in paragraphs 4.82 to 4.86 below. Any allegations of more serious offences related to elections are referred to the Metropolitan Police.
- 4.6. Overall, the Council brought 1,308 prosecutions and obtained 908 convictions. There were 238 cases with in which simple cautions were administered or the

Council obtained other successes. This makes a total of at least 1146 cases (87%) in which successful outcomes were obtained.

- 4.7. Prostitution cases provide an example of where the Council may look for “other successes”. The Council operates the Diversion Scheme pursuant to which prostitutes are given the opportunity to participate in the Safe Exit programme after being charged, rather than the Council pursuing a conviction and fine, potentially forcing re-offending. The programme involves a needs assessment and referral to an appropriate support agency, with the intention of helping individuals get away from prostitution. If the programme is completed, the Council generally discontinues the prosecution. The Council considers the discontinued cases to be successes.
- 4.8. There were 130 cases (10%) in which charges were not served, or were withdrawn or otherwise discontinued after service. There may be a variety of reasons why cases are not proceeded with, such as where new material is made available to the Council that affects the prospects of success in the case.
- 4.9. The Council lost or offered no evidence in just 20 cases, which amounts to 3% of the total cases.
- 4.10. Defendants were ordered to pay the following amounts –
- | | |
|-----------------------|----------|
| • Fines | £166,324 |
| • Costs | £200,457 |
| • Confiscation Orders | £780,944 |
| • Cash seizures | £2,743 |
| • Compensation awards | £138,317 |
- 4.11. In addition to fines, terms of imprisonment were imposed in 71 cases. In 43 of those cases, however, the term was suspended with a requirement that the defendant do unpaid work in the community. In a further 35 cases, Community Orders were imposed with requirements to also do unpaid work. A post-conviction Anti-social Behaviour Order was obtained against a prolific persistent offender who was a street drinker and, when drunk, abused people.
- 4.12. A notable success was the case of SM. This was a joint prosecution undertaken with the Department of Work and Pensions in which the Council was the prosecution agency. The Council’s corporate fraud manager led a multi-disciplinary investigation, which revealed that over a period of six years SM submitted a number of different claims for financial support to different agencies. Specifically, SM submitted: claims to the Council for financial assistance with residential or nursing home fees for his father; claims for income support to the DWP for himself; and claims to the Council for housing and council tax benefits for himself. In making these claims, SM failed to declare savings that he and his father had and which at their highest were in excess of £170,000. SM was

arrested and charged with offences under the Theft Act 1968; the Social Security Administration Act 1992; and the Fraud Act 2006. SM pleaded guilty to a total of seven charges in the Crown Court and was sentenced to 13 months imprisonment on each charge to be served concurrently. In addition, SM was ordered to pay compensation amounting to £116,781.08 being the amount of the overpayments.

4.13. Following investigations by the Housing Options Service the Council prosecuted offenders who made fraudulent homelessness applications under the Housing Act 1996 or fraudulent applications to go on the housing waiting list or both. In each case, the relevant fraud involved the applicant falsely asserting, on the relevant application form, that he or she did not own other property. Between 1st April 2011 and 31st March 2012, six people were convicted of offences relating to such fraudulent applications. One individual was sentenced to 16 months imprisonment, suspended for 2 years, and also ordered to do 100 hours unpaid work. Another individual was sentenced to a 12 month Community Order with a 50 hours unpaid work requirement.

4.14. **ENFORCEMENT ACTIVITY: OTHER THAN PROSECUTIONS**

4.15. **Safer Communities**

4.16. The Council's Safer Communities service, within the Communities, Localities and Culture directorate, deals with anti-social behaviour, public order, consumer protection and environmental health matters, broadly connected with the Community Plan objectives of A Great Place to Live and A Safe and Cohesive Community.

4.17. The Tower Hamlets Enforcement Officers ("**THEOs**") provide a highly visible, uniformed presence in the borough. The service also works closely with the police and other services across the Council. The work of the THEOs cuts across other enforcement areas referred to below. Particular matters dealt with include: public urination; criminal damage; prostitution; fly posting; licensing; touting, unlicensed street trading; anti-social behaviour; begging; dog fouling; dogs off leads; failures to surrender alcohol; graffiti; highway obstruction; and littering.

4.18. The prosecution work done on behalf of community safety is referred to in section 4 above. Other enforcement work carried out by the THEOs was as follows –

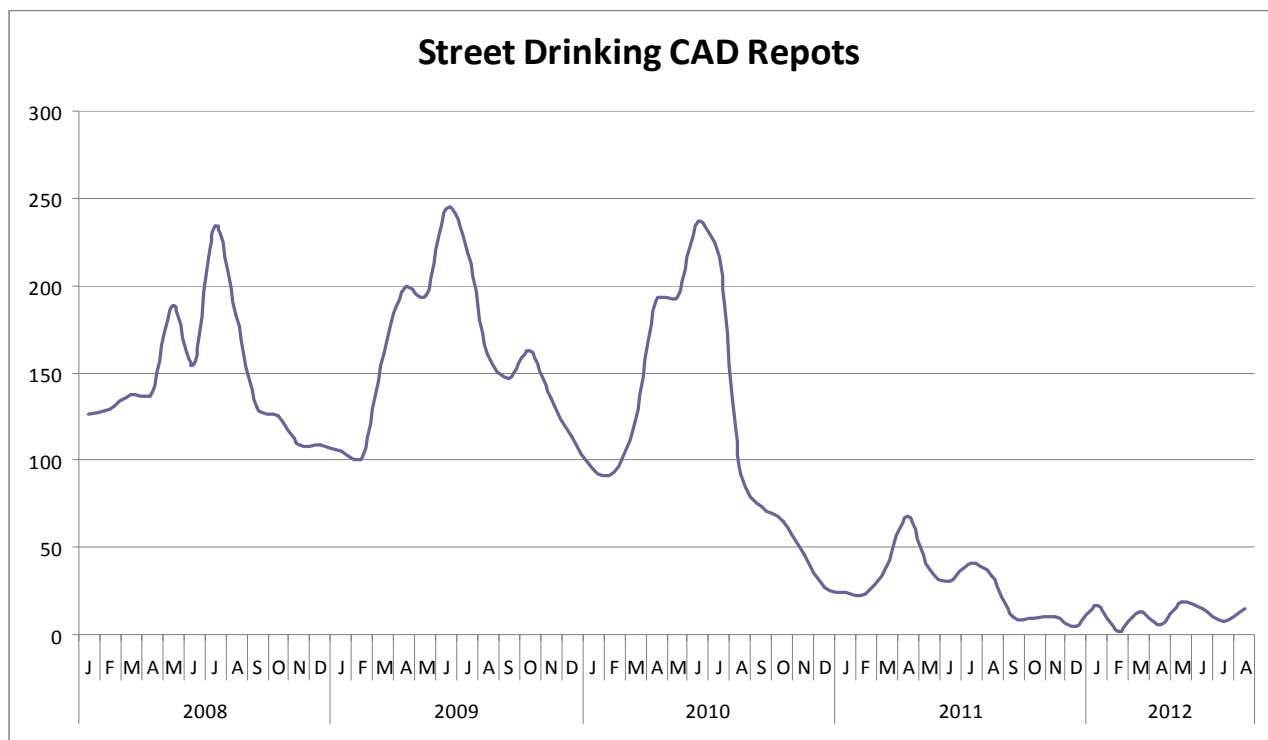
- 962 fixed penalty notices issued
- 1470 occasions of confiscating alcohol (excluding minors)
- 42 occasions of confiscating alcohol from persons under 18.
- 30 occasions of confiscating alcohol from minors under 16.
- 206 counterfeit DVDs seized.

- 10 noise abatement notices issued.

4.19. In relation to anti-social behaviour, the Council successfully completed two restorative justice meetings (where the victim and perpetrator engage in mediation to discuss issues and seek to find a resolution, signed 57 anti-social behaviour contracts and issued 83 warning letters in respect of anti-social behaviour contracts. The services issued 164 anti-social behaviour warning letters. One premises closure order was obtained in respect of 101-109 Fairfield Road, E3. This followed youth congregation, littering, shisha smoking and severe noise nuisance in and around the premises.

4.20. The key successes of the THEOS include a 91% reduction in street drinking reports since the introduction of the THEOs in 2009.

Number of street drinking reports	
Date	Reports
October 2009	163
August 2012	15



4.21. Since the introduction of the borough-wide drinking control zone (DCZ) in September 2011, the number of alcohol seizures made by the THEOs has increased by 98% and the number of street drinking reports has gone down by 75%

Number of Alcohol Seizures	
Date	Reports
Sept 2010 to August 2011	1136
Sept 2011 to August 2012	2146

- 4.22. The enforcement team in Safer Communities now respond to ASB reports as and when they come in, having piloted the process successfully during the Olympic and Paralympic period. All ASB reports to the Council are assessed when received and, where appropriate, the relevant actions are taken immediately. A skilled duty ASB officer is responsible for assessing each report and tasking the THEOs, where necessary, or referring the issue to the relevant RSL or SNT. 65% of ASB reports to the Council relate to noise and, from 4 October 2012, officers will be providing a dedicated ASB and noise service.
- 4.23. The enforcement team now has 14 non-accredited enforcement officers patrolling the borough's markets. These officers are responsible for enforcing a number of Council byelaws.
- 4.24. As part of the integrated offender management approach, the THEOs are increasingly working with other organisations to ensure that early intervention can occur, in appropriate cases, for individuals identified through the THEO's patrolling. This enables the enforcement approach to be complimented by a range of supportive and preventative interventions. An example of this is in relation to street drinkers, where there is scope for working with hostels and substance misuse services to tackle the underlying cause of a problem.
- 4.25. **Trading standards**
- 4.26. The Council has responsibility for enforcing a variety of consumer protection legislation, including the Trade Marks Act 1994, the Consumer Credit Act 1974, the Consumer Protection Act 1987 and related statutory instruments. The Council's trading standards team seeks to prevent a variety of unlawful trading activity, including: touts offering deals that are not honoured, sales of counterfeit goods; sales of unlabelled goods; schools offering education that they cannot deliver.
- 4.27. The Council's staff spent 12 days visiting off-licences in partnership with the Metropolitan Police Service and with Her Majesty's Revenue and Customs. The Council took the lead in prosecuting a major importer of fake consumer goods, working in partnership with the City of London Police. This led to a conviction in the Crown Court in May 2012 and the offender was sentenced to 33 months imprisonment.
- 4.28. The Council received 5750 consumer complaints in 2011/2012. It recorded 1660 visits to premises. The Council issued 108 simple cautions. The Trading Standards team triggered 11 premises licence reviews under the Licensing Act

2003, resulting in amendment of licence conditions and eight licence suspensions. As a result of the Council's investigations, three web sites were suspended. The Council served five premises closure notices.

4.29. Environmental health commercial

4.30. The Council is responsible for carrying out enforcement action in respect of health and safety matters under the Health and Safety at Work etc Act 1974, food safety under the Food Hygiene (England) Regulations 2006, special treatment premises under the London Local Authorities Act 1991 and smoke free premises under the Health Act 2006. This enforcement work is dealt with primarily in the Council's Communities, Localities and Culture directorate.

4.31. The Environmental Health Commercial team has worked with Police and with other Council teams to combat illegal shisha bars.

4.32. In order to identify issues and to work with premises to prevent breaches of the law, the Council carried out 2675 inspections and re-inspections of premises as follows during 2011/2012 –

- 826 health and safety inspections
- 111 health and safety re-inspections
- 1112 food safety inspections
- 626 food safety re-inspections

4.33. The Council issued 2635 written warnings, 2016 in respect of health and safety breaches and 619 in respect of food safety breaches. The Council gave four simple cautions, three in respect of health and safety at work and for breach of a special treatments licence. The Council issued statutory notices, as follows –

- 123 food hygiene improvement notices.
- 16 formal food closures.
- 4 remedial action notices.
- 80 health and safety improvement notices.
- 11 health and safety prohibition notices.

4.34. There were, in addition, five voluntary closures of food premises in circumstances where the Council had inspected and identified breaches. The Council issued 10 fixed penalty notices in respect of smoking at premises required to be smoke free.

4.35. The Council carried out one seizure in a health and safety case and eight seizures of illegally imported food. There were an additional eight cases in which food was voluntarily surrendered to the Council as a result of investigation.

4.36. Licensing

- 4.37. The Council is responsible for administering the Licensing Act 2003. This work is carried out within the Council's Communities, Localities and Culture directorate. In 2011/2012, the Council recorded 354 visits by the Licensing Team of premises in the borough. The Council issued 27 written warnings for licensing infringements and held 24 reviews of licences under the Licensing Act.
- 4.38. **Environmental health – environmental protection**
- 4.39. Environmental protection enforcement is dealt with in the Council's Communities, Localities and Culture directorate and covers noise, pollution and other public health matters. Significant pieces of legislation dealt with by the team are the Environmental Protection Act 1990, Control of Pollution Act 1974, Public Health Act 1936, Prevention of Damage by Pests Act 1936 and the Housing Act 2004.
- 4.40. The service has contributed to partnership working in a variety of ways, including the following –
- Established close working arrangements with Crossrail, the Olympic Delivery Authority, Joint Local Authority Regulatory Services (JLARS), London City Airport, Thames Tideway Tunnel and Building Schools for the Future projects with the objective of minimising noise disturbance from works.
 - Work with the Metropolitan Police Service, the Council's planning department, the Fire Service and the Royal borough of Greenwich over licensing applications and conditions.
 - Participation in the Licensing Enforcement Forum, and the Entertainment Licensing Safety Advisory Group.
 - Participation in the community safety group and close collaboration with the police and THEOs.
 - Assisting registered social landlord partners in resolving problems.
 - Work with social services in relation to service users with mental health problems.
 - Work with the Fire Service to resolve fire safety in housing.
 - Work with the housing benefits team that deals with landlords.
 - Collaboration with the Dogs Trust on the neutering voucher scheme.
- 4.41. By way of prevention, the service agreed noise management plans for licensed events, including major events in Victoria Park and the Baishaki Mela. The service worked closely with developers to set noise and pollution limits on major construction projects. The service was also responsible for licensing houses in multiple-occupation and issued 68 licences for this purpose under the Housing Act 2004.
- 4.42. During 2011/2012, the service routinely sent warning letters to landlords on receipt of complaints regarding housing safety. Three warnings were sent by

animal wardens. The service administered three simple cautions in respect of dangerous animals and one simple caution in respect of noise. The service issued 503 enforcement notices, as follows –

- 64 notices under section 61 of the Control of Pollution Act 1974 giving prior consent to noise levels on construction sites
- 11 notices controlling noise on construction sites under section 60 of the Control of Pollution Act 1974
- 135 abatement notices for statutory nuisances under section 80 of the Environmental Protection Act 1990
- 7 notices for cleansing of properties under section 83 of the Public Health Act 1936
- 13 notices under the Prevention of Damage by Pests Act 1936
- 101 improvement notices under section 11 of the Housing Act 2004
- 20 improvement notices under section 12 of the Housing Act 2004
- 26 prohibition orders under section 20 of the Housing Act 2004
- 10 revoke and vary prohibition orders under section 25 of the Housing Act 2004.
- 2 emergency remedial action orders under section 40 of the Housing Act 2004
- 10 overcrowding notices under section 139 of the Housing Act 2004.
- 104 notices to produce documents under section 235 of the Housing Act 2004.

4.43. The Council carried out works in default of compliance with a statutory notice in 16 cases. These included works to disable misfiring alarms, removal of refuse under the Prevention of Damage by Pests Act 1936 and the cleansing of filthy and verminous premises. In 15 cases, the Council applied for warrants to enable entry to premises to carry out works.

4.44. The service triggered reviews of premises licences under the Licensing Act 2003 in five cases. The service's representations led to reduction of the hours operated by some premises and in one case the premises licence was revoked.

4.45. The service conducted five seizures of property under the Environmental Protection Act 1990 and one seizure of a stray dog under "collar and tag" legislation. 20 dog control enforcement actions are pending from incidents occurring in 2011/2012.

4.46. Animal wardens have contributed to raising awareness by two roadshows with the RSPCA at Asda, Roman Road, and one with the Dogs Trust at Victoria Park. The animal wardens contributed to two residents' community days with Island Homes.

4.47. Significant achievements in 2011/2012 are as follows –

- Early consultation and discussion with major project and major infrastructure developers has reduced the number of complaints from the public regarding environmental damage.
- The partnership work of the Licensing Enforcement Forum and other licensing forums has reduced the number of complaints from the public about noise.
- Working with the Police, THEOs and the Council's ASB team has been useful in highlighting problem areas of work and channelling resources to them.
- Seizure of drums from nuisance drummers in Brick Lane achieved in cooperation with THEOs.
- Seizure of a bull terrier from minors in the Watney Market area with police assistance, following extensive complaints including dog fighting from local residents.
- Increased joint working with all enforcement partners.
- Destruction of a dangerous dog after it came in as stray. There was a history of attack incidents, registered on the exempted dogs register under the Dangerous Dogs Act 1991.

4.48. **Markets**

4.49. The Council is responsible for regulating unlawful activities associated with the borough's markets, including offences of unlawful street trading contrary to the London Local Authorities Act 1990. This enforcement work is dealt with by the Markets team within the Council's Communities Localities and Culture directorate.

4.50. The Markets team worked with Police, City of London and Hackney Council in relation to its enforcement work. Within the Council the Markets team also worked closely with Trading Standards, the THEOs, Highways and Clean and Green. The Markets team worked with the London Mosque to raise awareness of the law in relation to unlawful street trading activities.

4.51. In 2011/2012, the Council issued 479 written warnings in respect of unlawful market activities. The Council confiscated 286 items such as bicycles, DVD's and bric-a-brac associated with unlawful activities.

4.52. The prosecution work in respect of markets is set out in section 4 above. A particularly successful case involved a bike theft witnessed by a market officer. Police arrested the offender, who was found to be in breach of bail conditions relating to earlier, similar offences. The offender was convicted and sentenced to four months' imprisonment.

4.53. **Parking**

- 4.54. Parking enforcement is dealt with in the Council's Resources directorate and covers cases of fraud and misuse of parking permits. This may involve persons making false statements to obtain a parking permit, such as a disabled badge, forging a permit or using another person's permit. Such cases may arise under the Road Traffic Regulation Act 1994, the Fraud Act 2006, the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, or the Chronically Sick and Disabled Persons Act 1970. It is not concerned with the issuing of penalty charge notices under the Traffic Management Act 2004 and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
- 4.55. The Council conducted daily beat checks and five joint working operations with police. By way of non-prosecution enforcement, the Council carried out the following –
- 9 warnings.
 - 29 simple cautions.
 - 76 removals of vehicles.
 - 180 fixed penalty notices.
 - 123 confiscations of disabled badges.
 - 108 confiscations of visitor scratch cards.
- 4.56. The Council assisted other authorities in 12 cases where a fake or fraudulent Tower Hamlets blue badge was used outside the borough.
- 4.57. **Public realm**
- 4.58. The Council's Public Realm service, within the Communities, Localities and Culture directorate, consists of three departments: Clean and Green; Transportation & Highways; and Parking Services.
- 4.59. Public Realm deal with street cleansing, waste and recycling collections, parks maintenance, road and pavement repairs, contract management, environmental crime (includes littering, fly-tipping, graffiti, fly-posting), highways enforcement, community transport services, the provision of cycle lanes and management of street parking, including disabled parking. Services provided by Public Realm are broadly connected with the Community Plan objectives of A Great Place to Live and A Safe and Cohesive Community.
- 4.60. The Streetcare and Commercial Waste THEO team within the Clean and Green department carry out the enforcement function in relation to environmental crime and highways enforcement. They provide a visible, uniformed presence in the borough. The Commercial Waste THEOs mainly concentrate on commercial waste enforcement and work in close partnership with the Council's waste contractor Veolia Environmental Services and other enforcement agencies. Local street care officers provide a front line interface between residents, businesses and other local bodies in order to keep any publicly owned space

clean, safe and environmentally friendly. These officers are responsible for the management of street related services. The Streetcare teams are based in local hubs, from which they carry out inspections of parks, play areas and highways. The teams enforce against environmental and highways offences. The teams are also responsible for licensing of temporary structures and road closures.

4.61. The prosecution work done on behalf of Clean and Green is referred to in section 4 above under Public Realm. Other enforcement work carried out by the Streetcare and Commercial Waste THEOs during 2011/2012 was as follows –

- 1099 fixed penalty notices (FPN).
- 1810 warning letters to residents and business.
- 109 commercial waste-related warning letters.
- 892 waste investigations.
- 292 Statutory Notices, as follows: 143 under section 34, Environmental Protection Act 1990; 107 under section 47, Environmental Protection Act 1990; 1 litter clearance notice under the Environmental Protection Act 1990; 41 notices under the Highways Act 1980.
- 20 informal graffiti removal requests.
- 32 graffiti removal notices under the London Local Authorities Act 1995.
- 39 warning letters to beneficiaries of fly-posting.
- 55 warning letters to estate agents for unauthorised signs.
- 265 fly-poster removal notices to beneficiaries of fly-posting.

4.62. Of the 1099 FPNs issued, there were: 820 for depositing litter; 6 for graffiti and fly-posting; 27 for failure to comply with a waste receptacle notice; 71 for failure to produce authority (waste transfer notes); 6 for Wilful obstruction of highway; 1 for depositing a builder's skip on a highway without permission; 6 for failure to secure lighting or other marking of builder's skip; 1 for failure to comply with conditions of skip permission; 1 for erecting scaffolding or other structure without licence; and 160 for displaying advertisement in contravention of regulations. As at 8 May 2012, of the FPNs issued in 2011/2012: 654 have been paid; 131 withdrawn, following successful representations; and 311 remain outstanding, some of which have been processed for prosecution.

4.63. Leading up to the Olympics the Commercial Waste THEOs have been working in partnership with Veolia Environmental Services to remove all trade waste bins from main roads and introduce time-banded collections. The team introduced a voluntary code of conduct for businesses to reduce the impact of enforcement activity. The code highlighted the need for businesses to comply with their duty of care and outlined what actions they could face if they failed to adhere to the code of conduct. The project is ongoing and being rolled out throughout the borough. It has already seen success by reducing clutter, obstruction and litter from the highways. The introduction of two night-time Streetcare officers, has ensured that a uniformed presence is maintained to deal with all sorts of environmental crime.

4.64. School attendance

4.65. The Council is responsible for enforcing non-school attendance under the Education Act 1996. This enforcement work is dealt with in the Council's Children's Schools and Families directorate. In addition to prosecuting parents (which cases are referred to in section 4 above), the Council issued a number of written warnings, the total number of which is estimated at 500.

4.66. Planning

4.67. The Council is responsible for planning enforcement under the Town and Country Planning Act 1990 and related legislation and statutory instruments. The work is dealt with in the Council's Development and Renewal directorate.

4.68. The planning enforcement team worked in partnership with other agencies and Council departments as follows –

- Work with the Environment Agency and Police and, internally, with Clean and Green, Environmental Health, Licensing and Asset Management to prevent use of land at Alisa Street for car-breaking, waste storage and related activities. The land was restored to acceptable condition.
- Work with Police and, internally, with Licensing and Trading Standards to enforce planning and licensing conditions for premises at Brick Lane.
- Work with Police and, internally, with Smokefree and Markets to close an illegal Shisha Club at Pennington Street.

4.69. The Council issued a number of verbal and written warnings in respect of planning enforcement during 2011/2012, the precise number of which have not been recorded. The Council issued a single simple caution in respect of a tree removal at Chapel House Street. The Council issued 138 statutory notices as follows –

- 58 enforcement notices.
- 41 planning contravention notices.
- 2 temporary stop notices.
- 1 notice to remove an advert.
- 1 notice to carry out repairs.
- 1 tree replacement notice.
- 27 breach of condition notices.

4.70. The Council carried out works in default of compliance with statutory notices to remove three roadside illuminated hoardings.

4.71. The planning enforcement service made representations in respect of premises licences under the Licensing Act 2003. This led to premises at 60-62

Commercial Street (Gramophone Bar) having hours reduced to mirror planning hours. The license was suspended for 3 months.

4.72. Significant achievements in planning enforcement in 2011/2012 were –

- 60 Sutton Street – two successful prosecutions with fines totalling £24,000 and demolition of illegal works (3-storey former public house).
- 12 Hanbury Street – successful prosecution with a fine and costs of £15,500. Illegal Extensions were removed and the twin ridge roof restored.
- Roman Road – removal of illegal high level signage (shop and estate agents) and installation of new shop fronts to buildings with commercial units boarded up.
- 24 Marshfield Street – removal of illegal extension and a pending prosecution.
- Advertisement Project – removal via direct action and voluntarily of some 20 large scale billboards throughout the borough, with work on-going.
- Alisa Street – cessation of illegal uses at St Leonards Wharf and on-going negotiations regarding restoration of the land.
- 101 – 109 Fairfield Road – cessation of illegal shisha club, with buildings now demolished and being redeveloped.

4.73. **Building control**

4.74. The Council is responsible for enforcing the Housing and Building Control Act 1984, the London Building Acts Amendment Act 1939 and related statutory instruments. The work is dealt with in the Council's Development and Renewal directorate. In 2011/2012, the service issued four warning letters and 10 enforcement letters.

4.75. **Benefits**

4.76. The Council is responsible for preventing fraud in respect of benefits that it administers. This work is dealt with in the Council's Resources directorate and involves action under the Social Security Administration Act 1992.

4.77. By way of non-prosecution enforcement, the Council administered the following –

- 54 simple cautions.
- 45 administrative penalties.

4.78. The Council carried out joint working with the Department of Work and Pensions. This led to the Council taking the lead on a successful prosecution, with the Council's legal service acting on behalf of the Council and the DWP. The case led to the defendant being ordered to repay an amount in excess of £100,000.

4.79. **Housing**

- 4.80. The Council is responsible for preventing fraud in respect of housing allocations and homelessness applications. This work is dealt with in the Council's Development and Renewal directorate and may involve action under the Fraud Act 2006.
- 4.81. During 2011/2012, the enforcement action focussed on prosecutions. Eight individuals who falsified their housing applications were successfully prosecuted for fraud during this period, as summarised above.
- 4.82. **Elections**
- 4.83. During the annual canvass period, it is the duty of the Electoral Registration Officer (ERO) to carry out an annual audit of the Borough of Tower Hamlets to ascertain if the information currently held on the Register of Electors is correct. The Council enforces compliance with the canvass and this work is carried out in the Chief Executive's directorate. More serious offences related to elections are referred to the Metropolitan Police.
- 4.84. In Tower Hamlets, canvass staff are employed for a period of three months to conduct personal visits to all properties in the borough to assist with completion of the Voter Registration Form. If residents do not respond to the personal visits, the initial form is posted through the letterbox. Staff will then follow up their visits with a reminder form during September and October. If a resident refuses to comply with this statutory duty, a letter is sent confirming that any person failing to provide information in pursuance of this requisition is liable on summary conviction to a fine not exceeding £1,000.
- 4.85. If no response is received from the property after the first two stages of the canvass, a final reminder form is posted out via Royal Mail. Following completion of the annual audit period at the end of November 2011, those properties identified as 'refused to register' who failed to complete the Voter Registration Form are checked against the borough's Council Tax records to confirm the name of the resident, before being passed on to the Legal Services to commence court proceedings.
- 4.86. Figure 2 in section 4 above shows that, in 2011/12, 43 prosecutions were taken by Legal Services for Elections and 42 of those were for failing to return voter registration forms. The Council continues to encourage such residents to enrol. Prior to serving a summons, the Council sends out a letter with a voter registration form asking for its return. If it is not returned then a summons is served with a further voter registration form for completion and advising that, if the form is returned, the proceedings will be withdrawn. Further, at any time up to and including the day of the hearing, the form can be returned and the proceedings withdrawn. 29 persons either returned forms or moved address so

that they were no longer required to be registered and the proceedings were withdrawn.

4.87. **Youth offending**

4.88. The Council is responsible for ensuring compliance in relation to statutory Court Orders made through the Youth Court. In 2011/2012 this work was carried out by the Offending Service (YOS) within Children Schools and Families.

4.89. There were at least 160 orders requiring compliance during 2011/2012, including referral orders, youth rehabilitation orders and custodial licence periods. To enforce these orders, the Council follows a specific YOS compliance procedure, in keeping with Ministry of Justice National Standards (NS). This requires the issue of a formal warning letter for each missed appointment deemed to have no reasonable excuse. Three such warnings trigger a compliance panel meeting, which decides whether the matter be returned to court for breach proceedings. During 2011/2012, at least 253 warning letters were sent. There were 61 breach proceedings prosecuted by the Council which reached an outcome. 7 of these cases were contested, all of which were proved.

5. **RAISING AWARENESS**

5.1. The Council took a variety of steps during 2011/2012 to raise awareness of the law, which included –

- Holding an event to promote the anti-touting strategy, writing to premises and posting stickers.
- Working with the London Mosque to raise awareness of the law on unlawful street trading.
- Writing to occupiers of premises regarding breaches and potential breaches of the law.
- Participating in public awareness sessions in relation to dog ownership.
- Promoting successes in the area of anti-social behaviour, where appropriate, using the “you said, we did” format. This was done via leaflets, posters and advertisements in East End Life, depending on what was considered proportionate in individual cases.

5.2. The Council actively publicised its enforcement activity throughout 2011/2012. This involved stories in East End Life and media releases about enforcement programmes and enforcement successes. The Council’s Communications Team recorded 47 separate instances where the Council promoted enforcement activity, which are summarised in Appendix 2 to this report.

5.3. This material demonstrates that the Council is taking steps to promote awareness of the law, consistent with the requirements of its enforcement policy.

To the extent that the enforcement policy encourages raising awareness, it is proposed that the policy should remain unchanged.

6. CONSISTENCY

6.1. The enforcement policy specifies that –

Consistency means taking a similar approach in similar circumstances to achieve similar ends. The Council aims to achieve consistency when: responding to requests for service; offering advice; and deciding upon enforcement action.

Consistency does not mean uniformity. Officers will need to take account of many variables when making decisions, including: the seriousness of the breach; any history of previous breaches; the attitude of the offender; and the capacity of the offender.

6.2. Numerous examples may be provided in respect of the enforcement action covered in sections 4 and 5 above. It is proposed, however, to give a single example by reference to the enforcement work carried out by electoral services, set out in paragraphs 4.81 to 4.85 above. The work carried out to ensure compliance with the annual canvass involves a clear progression through the following stages: personal visit; delivery of the form; reminder; warning letter; final reminder; and prosecution. If the prosecution leads to return of the canvass form, then the prosecution is withdrawn. This process of enforcement has a clear purpose and is followed consistently based on the underlying purpose rather than the identity of the individual concerned. The methodology is in accordance with the Council's enforcement policy and is capable of explanation to any person who sought to understand the Council's approach.

6.3. It is considered that the Council is generally complying with its policy in relation to taking consistent enforcement action and that this element of the policy should remain unchanged.

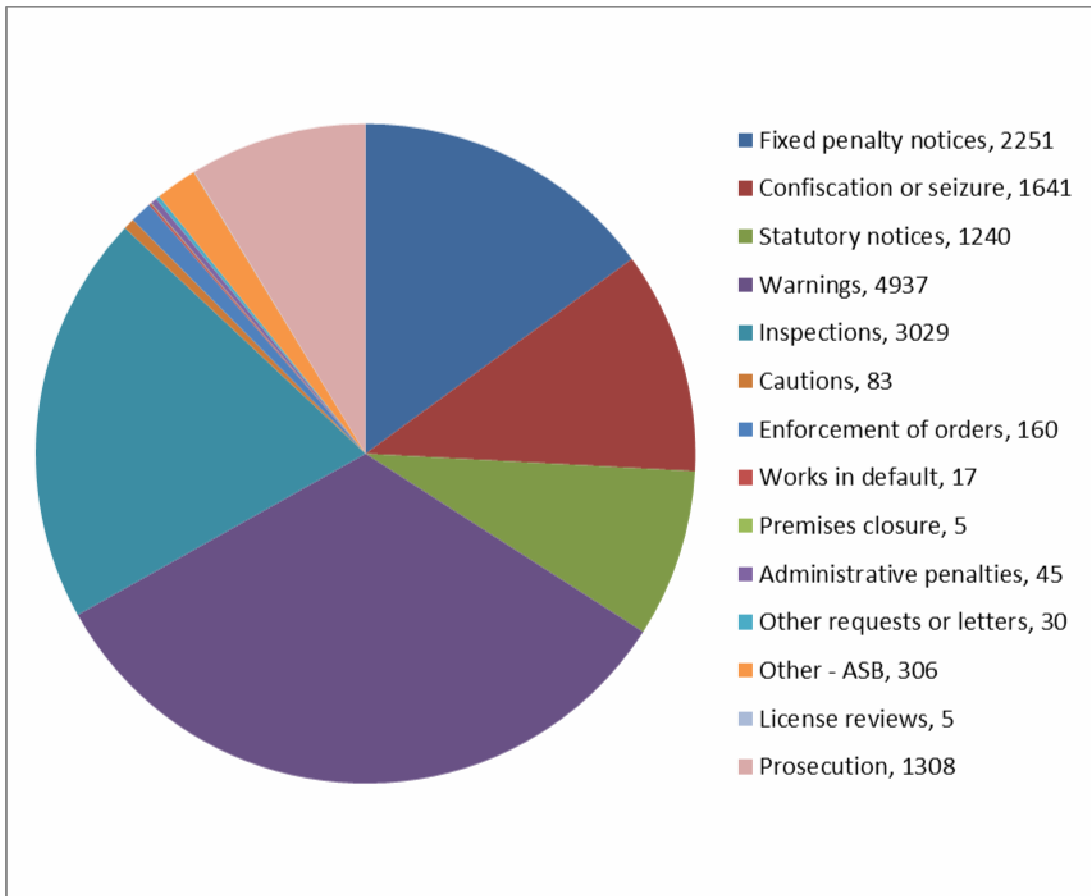
7. TRANSPARENCY

7.1. The Council's first step towards transparency is having an enforcement policy that specifies the kind of enforcement action it may take and how it will make decisions about what action to pursue. This helps individuals and businesses understand the Council's decision-making process. It is proposed that the information in this report be published in reports to members so that members of the public can further understand the Council's overall approach to enforcement. To the extent that the enforcement policy encourages raising awareness, it is proposed that the policy should remain unchanged.

8. PROPORTIONALITY

- 8.1. The review of the Council's enforcement action in sections 4 and 5 of the report shows that the Council is making full use of the variety of enforcement measures available to it. The Council does not just prosecute in every case, with inspections and warnings forming by far the largest part of the Council's overall enforcement effort (see figure 3).
- 8.2. The Council's approach is tailored to the type of offending conduct. Fraud cases show a much higher tendency to prosecution. In respect of commercial premises, the approach is far more collaborative, with inspections being focussed on assisting premises to prevent breaches. The Council offers prostitutes the opportunity to undergo a support programme, which aims to avoid re-offending rather than punishing individuals.
- 8.3. It is considered that the Council is generally complying with its policy in relation to taking proportionate enforcement action and that this element of the policy should remain unchanged.

Figure 3 - Types of Enforcement Action 2011/2012



9. TARGETING

9.1. The enforcement policy requires that the Council's enforcement action should be aligned with the Council's key policies and strategies. The Community Plan provides the primary direction in this regard. It contains the following key themes: –

- A Great Place to Live
- A Prosperous Community
- A Safe & Cohesive Community
- A Healthy and Supportive Community

9.2. The Community Plan has the following four cross-cutting themes:-

- One Tower Hamlets: tackling inequalities and promoting inclusion
- Community Engagement: supporting a powerful public
- Efficiency: delivering value for money services
- Localisation: delivering services closer to people.

- 9.3. The Council's enforcement in respect of parking, benefits and housing is concerned with the fair and efficient allocation of resources. This work contributes directly to the key cross-cutting themes in the Community Plan of One Tower Hamlets and Efficiency.
- 9.4. The Council's enforcement in respect of electoral services is concerned with maintaining an accurate and up to date register. This helps the conduct of elections and to ensure that people resident in the borough exercise their democratic rights. This work contributes directly to the cross-cutting themes of One Tower Hamlets and Community Engagement.
- 9.5. The Council's enforcement in the areas of trading standards, environmental health commercial, markets and licensing protects consumers and helps to maintain a level playing field for local businesses. The continuing work to stop unlawful DVD sellers provides an excellent example. Consumers are protected from poor quality products, some of which don't play at all. Families are protected from vendors who display 18+ and pornographic DVDs alongside products targeted at children. Local businesses that sell or hire DVDs are supported by the removal of unlawful operators who would otherwise undercut them with inferior products. This enforcement work contributes to the key themes of A Great Place to Live and A Prosperous Community.
- 9.6. Enforcement action in the areas of community safety, environmental health, public realm, planning and building control make direct contributions to the environment in Tower Hamlets. For example, by combating nuisance behaviour such as public urination and street prostitution, the Council is making a difference to the everyday experience people have in Tower Hamlets. This is targeted to helping make Tower Hamlets A Great Place to Live.
- 9.7. The Council's work in respect of non-school attendance is designed to promote the education of children in the borough and in this respect helps to achieve the key theme of A Prosperous Community.
- 9.8. This review of enforcement action shows how the Council's enforcement is connected with its Community Plan goals. There are numerous examples in section 5 of this report indicating how the Partnership works together on enforcement. It is considered that the Council is generally complying with its policy in relation to taking targeted enforcement action and that this element of the policy should remain unchanged.

10. PROTECTION OF FREEDOMS ACT 2012

- 10.1. The Protection of Freedoms Act 2012 received royal assent on 1 May 2012. Sections 37 and 38 of the Protection of Freedoms Act propose to amend Parts 1 and 2 of the Regulation of Investigatory Powers Act 2000 ("RIPA") so as to

require local authorities to obtain judicial approval for activities under RIPA. This means that before obtaining or disclosing communications data under Part 1 of RIPA, or conducting covert surveillance or using a covert human intelligence source under Part 2 of RIPA, the Council will require its own authorisation to be approved by a justice of the peace. This adds an extra layer of approval. The requirement for judicial approval to conduct covert surveillance, or use a covert human intelligence source, under Part 2 of RIPA is due to come into force on 1 November 2012.

10.2. The changes to be made by the Protection of Freedoms Act 2012 to Part 2 of RIPA permit the Secretary of State to impose additional conditions that a local authority's authorisation of covert surveillance must meet. The Secretary of State has made the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources (Amendment) Order 2012, which is due to come into force on 1 November 2012. When the Order takes effect, it will restrict the Council's use of covert investigation to the following offences –

- An offence punishable by a maximum term of at least 6 months of imprisonment.
- An offence under section 146 of the Licensing Act 2003 (sale of alcohol to children).
- An offence under section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children).
- An offence under section 147A of the Licensing Act 2003 (persistently selling alcohol to children).
- An offence under section 7 of the Children and Young Persons Act 1933 (sale of tobacco etc. to persons under eighteen).

10.3. The Council's RIPA policies are appended to the enforcement policy. The policies need to be amended to reflect the need to additionally obtain court approval and the limitation on the use of covert investigation to specified offences. A revised enforcement policy is set out in Appendix 3 to this report, showing the necessary changes.

11. COMMENTS OF THE CHIEF FINANCIAL OFFICER

11.1. This is a report of a review of the Council's council-wide enforcement policy and the enforcement action taken in 2011-12. There are no financial implications arising from the recommendations in this report however the enforcement policy is designed to meet the Council's requirements to minimise the risk of fraud, error and omission to Council's services, finances and assets.

12. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

12.1. This report originates in Legal Services and any necessary legal comments are set out in the body of the report.

13. ONE TOWER HAMLETS CONSIDERATIONS

- 13.1. Enforcement action that complies with the five principles expressed in the enforcement policy should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.
- 13.2. As specified in section 10 of the report, the Council is targeting its enforcement action with its Community Plan goals, in accordance with the principles expressed in the enforcement policy. This includes action specifically designed to achieve One Tower Hamlets.
- 13.3. The enforcement policy sets out clear principles to guide officers in determining the appropriate level of enforcement action. It actively seeks to promote transparency in decision-making. To the extent that the policy provides officers with relevant considerations, it works against enforcement decisions being taken on irrelevant and unlawful considerations such as those based on protected characteristics.
- 13.4. The policy allows officers to take into account the particular vulnerability of the defendant in determining the appropriate level of enforcement. This applies equally to all defendants and so does not amount to direct discrimination. It may in effect work to the benefit of particular groups, such as older people or people with disabilities. To the extent that there may be such an effect, it would be in pursuit of what the Council considers in the public interest in the pursuit of its objectives, including the Community Plan goals. There is a good argument that such an effect is a proportionate means of achieving the Council's legitimate objectives. Enforcement might well lose its effectiveness or work counter the Council's goals of One Tower Hamlets if it were seen to fall harshly on the vulnerable.
- 13.5. An equality impact assessment was prepared in respect of the enforcement policy, prior to its adoption in 2010. The impact assessment showed that targeted enforcement may in some circumstances fall disproportionately heavily on groups with protected characteristics (eg targeting street prostitution may impact women). To the extent that this may occur it is considered to be justifiable as a proportionate means of achieving a legitimate aim. Any indirect adverse effect would be the consequence of the Council taking targeted enforcement action in pursuit of its lawful objectives, including the Community Plan goals. There is a need to target action to ensure that the Council not only achieves objectives, but does so having regard to its best value duty under the Local Government Act 1999. Any action should be in accordance with the principles expressed in the enforcement policy, which include the requirement that enforcement action should be proportionate.

- 13.6. The impact assessment included particular examination of the impact of prosecution of street prostitution and DVD offences. In 2011/2012, a further analysis has been carried out of enforcement action against touting. The results of that analysis are consistent with the findings of the impact assessment carried out prior to adoption of the enforcement policy.
- 13.7. The analysis considered the fact that all the individuals prosecuted for touting have been Asian and the companies are also Asian businesses. The targeting of enforcement action to deal with touting therefore affects this race group. This would not be the result of direct discrimination, that is, the unlawful targeting of such groups contrary to the Equality Act 2012. The Council would take this approach irrespective of the race of the tout or restaurant operator. It is instead, an indirect effect arising from the fact that it is a particular ethnic group which operates the restaurant business within that area.
- 13.8. To the extent that there is any indirect adverse effect on a particular race group by reason of touting prosecutions, it is considered to be the consequence of the Council taking targeted enforcement action in pursuit of its lawful objectives as set out in section 2 above (including the Community Plan goals). There is a need to target action to ensure that there is a positive overall benefit not only to the local community but also to the other restaurant businesses in the area who do not employ touts. The action is designed to reduce offending and the associated anti-social behaviour caused by the activities of the touts. Further, as touts offer inducements to customers that are not then honoured, action protects consumers and increases consumer confidence. Part of the work regarding touting is to increase awareness of the problems associated with touting and to persuade businesses to sign up to the anti-touting code.

14. **SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 14.1. Enforcement action in the areas of community safety, environmental health, public realm, planning and building control make direct contributions to the environment in Tower Hamlets. For example, by combating unlawful development, the Council is making a difference to the appearance of the borough. This is targeted to helping make Tower Hamlets A Great Place to Live.

15. **RISK MANAGEMENT IMPLICATIONS**

- 15.1. Conducting enforcement in accordance with the enforcement policy should help to ensure the Council's actions are appropriate and defensible. It is appropriate to review the enforcement carried out and the effectiveness of the policy.

16. **EFFICIENCY STATEMENT**

- 16.1. The Council's enforcement in respect of parking, benefits and housing is concerned with the fair and efficient allocation of resources. This work

contributes directly to the key cross-cutting themes in the Community Plan of One Tower Hamlets and Efficiency.

17. APPENDICES

Appendix 1 – Prosecution case summary

Appendix 2 – Publicity summary

Appendix 3 – Enforcement policy

Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

List of “Background Papers” used in the preparation of this report

Brief description of “back ground papers”	Name and telephone number of holder and address where open to inspection.
None	N/A

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Summary of Prosecutions and Outcomes in 2011/2012

Client/Case Type	Cases	Guilty	Simple Caution	Other success	Lost	No Evidence Offered Case dismissed	Not served	Count left to lie on file	Withdrawn	Discontinued
BC - BBR	7	7	0	0	0	0	0	0	0	0
CF - DWPPF	2	2	0	0	0	0	0	0	0	0
CF - HBF	108	97	0	0	0	8	0	3	0	0
CF - Parking Fraud	3	2	0	0	0	0	0	0	1	0
CF - R/NHF	3	3	0	0	0	0	0	0	0	0
CF - RPF	9	0	6	3	0	0	0	0	0	0
Elections	42	13	0	29	0	0	0	0	0	0
Elections CF	1	1	0	0	0	0	0	0	0	0
HO - Homeless	5	4	1	0	0	0	0	0	0	0
HO - Lettings	7	7	0	0	0	0	0	0	0	0
HO - UE	1	0	0	0	0	0	0	0	1	0
NSA	87	67	0	3	0	2	0	0	15	0
Planning - BEN	23	22	0	0	0	0	0	0	1	0
Planning - BOCN	16	16	0	0	0	0	0	0	0	0
Planning - FP	14	0	0	8	6	0	0	0	0	0
Planning - TP	2	1	1	0	0	0	0	0	0	0
PR - C&G - CW	26	5	4	5	5	0	3	0	4	0
SC - EH - DF	2	1	1	0	0	0	0	0	0	0
SC - EH - H&H	15	5	0	9	0	0	0	0	1	0
SC - EH - Waste	6	5	0	0	0	0	0	0	1	0

Summary of Prosecutions and Outcomes in 2011/2012

Client/Case Type	Cases	Guilty	Simple Caution	Other success	Lost	No Evidence Offered Case dismissed	Not served	Count left to lie on file	Withdrawn	Discontinued
SC - EHC - Food Safety	20	17	0	0	0	0	2	0	1	0
SC - EHC - H&S	12	4	3	0	0	0	0	0	5	0
SC - EHC - Smoke Free	5	4	0	0	0	1	0	0	0	0
SC - Licensing	1	1	0	0	0	0	0	0	0	0
SC - Markets - BLC	2	1	1	0	0	0	0	0	0	0
SC - Markets - UST	115	80	16	11	1	0	2	0	4	1
SC - PP - B6	8	5	2	0	0	0	1	0	0	0
SC - PP - CD	1	0	0	0	0	0	0	0	1	0
SC - PP - Dispersal	1	1	0	0	0	0	0	0	0	0
SC - PP - DS	49	12	0	32	0	0	0	0	5	0
SC - PP - FP	1	1	0	0	0	0	0	0	0	0
SC - PP - Gambling	3	0	0	2	0	0	0	0	1	0
SC - PP - Licensing	4	1	0	3	0	0	0	0	0	0
SC - PP - Smoke Free	4	2	0	0	0	0	0	0	2	0
SC - PP - Touting	5	5	0	0	0	0	0	0	0	0
SC - PP - UST	45	41	1	1	0	0	0	0	2	0
SC - THEO - ASBO	1	0	0	1	0	0	0	0	0	0
SC - THEO - Assault	3	3	0	0	0	0	0	0	0	0
SC - THEO - B6	228	175	30	0	0	1	13	0	9	0
SC - THEO - Begging	13	10	1	0	0	0	2	0	0	0

Summary of Prosecutions and Outcomes in 2011/2012

Client/Case Type	Cases	Guilty	Simple Caution	Other success	Lost	No Evidence Offered Case dismissed	Not served	Count left to lie on file	Withdrawn	Discontinued
SC - THEO - DF	5	2	0	1	0	0	0	0	2	0
SC - THEO - DOL	1	1	0	0	0	0	0	0	0	0
SC - THEO - FT	2	1	0	0	0	0	1	0	0	0
SC - THEO - FTSA	42	38	0	0	0	0	2	0	2	0
SC - THEO - Graffiti	1	0	0	0	0	0	1	0	0	0
SC - THEO - HO	9	2	7	0	0	0	0	0	0	0
SC - THEO - LIT	130	101	3	9	3	0	7	0	7	0
SC - THEO - PO	25	16	0	1	0	0	4	0	4	0
SC - THEO - Taxi	1	1	0	0	0	0	0	0	0	0
SC - THEO - Touting	4	2	1	0	0	0	0	0	1	0
SC - THEO - UST	89	69	4	4	1	0	6	0	5	0
SC - TS - CP	1	0	0	1	0	0	0	0	0	0
SC - TS - CPFUT	4	0	0	2	1	0	0	0	1	0
SC - TS - IML	11	9	0	0	2	0	0	0	0	0
SC - TS - Licensing	5	3	0	0	1	0	0	0	1	0
SC - TS - POCA	6	6	0	0	0	0	0	0	0	0
SC - TS - PPDVD	29	7	0	22	0	0	0	0	0	0
SC - TS - Tobacco	19	10	0	6	0	0	0	0	3	0
SC - TS - Trade Marks	17	12	0	3	0	0	0	0	2	0
YOT	7	7	0	0	0	0	0	0	0	0

Summary of Prosecutions and Outcomes in 2011/2012

Client/Case Type	Cases	Guilty	Simple Caution	Other success	Lost	No Evidence Offered Case dismissed	Not served	Count left to lie on file	Withdrawn	Discontinued
	1308	908	82	156	20	12	44	3	82	1

Abbreviation	Meaning
ASBO	Anti-social Behaviour Order
BC - BBR	Building Control - Breach of Building Regulations Prosecutions
BGPS	Bethnal Green Police Station
CCA	Criminal Court of Appeal
CCC	Central Criminal Court
CD	Conditional Discharge
CF - DWPPF	Corporate Fraud - DWP Partnership Fraud prosecutions
CF - HBF	Corporate Fraud - Housing Benefit Fraud Prosecutions
CF - MDP	Corporate Fraud - Misuse of Disabled Parking Permit prosecutions
CF - R/NHF	Corporate Fraud - Residential/ Nursing Home Fraud Prosecutions
CF - RPF	Corporate Fraud - Resident Parking Fraud prosecutions
Elections CF	Election Canvass Fraud prosecution
FPN	Fixed Penalty Notice
HO - Homeless	Housing Options Homeless Fraud prosecutions
HO - Lettings	Housing Options Lettings Fraud prosecutions
HO - UE	Housing Options Unlawful eviction prosecutions

Summary of Prosecutions and Outcomes in 2011/2012

ILCC	Inner London Crown Court
LBTH	London Borough of Tower Hamlets
NSA	Non-school Attendance Prosecutions
Planning - BEN	Planning Breach of Enforcement Notice Prosecutions
Planning - BOCN	Planning Breach of Condition Notice Prosecutions
Planning - FP	Planning Fly Posting Prosecutions
Planning - TP	Planning Tree Preservation Prosecutions
PO	Parenting Order
PR - C&G - CW	Public Realm - Clean & Green - Commercial Waste prosecution
RCC	Reading Crown Court
SC - EH - DF	Environmental Health - Dog Fouling
SC - EH - H&H	Environmental Health Health & Housing Prosecutions
SC - EH - Waste	Environmental Health Waste Prosecutions
SC - EHC - Food Safety	Environmental Health Commercial Food Safety prosecutions
SC - EHC - H&S	Environmental Health Commercial Health & Safety prosecutions
SC - Licensing	Licensing Team prosecutions
SC - Markets - BLC	Markets Breach of License Conditions Prosecutions
SC - Markets - UST	Markets Unlicensed Street Trading Prosecutions
SC - PP - B6	Safer Communities Police Partnership Prosecutions for breach of Byelaw 6 of Byelaws for Good Rule & Government (public urination)
SC - PP - CD	Safer Communities Police Partnership Criminal Damage Prosecutions
SC - PP - Dispersal	Safer Communities Police Partnership Dispersal Zone Prosecutions
SC - PP - DS	Safer Communities Police Partnership Diversion Scheme Prosecutions
SC - PP - FP	Safer Communities Police Partnership Prosecutions for Fly Posting
SC - PP - Gambling	Safer Communities Police Partnership Prosecutions for Street Gaming

Summary of Prosecutions and Outcomes in 2011/2012

SC - PP - Licensing	Safer Communities Police Partnership Prosecutions for Licensing
SC - PP - Smoke Free	Safer Communities Police Partnership Prosecutions for Smoke Free
SC - PP - Touting	Safer Communities Police Partnership Prosecutions for Touting
SC - PP - UST	Safer Communities Police Partnership Prosecutions for Unlicensed Street Trading
SC - THEO - ASBO	Safer Communities - THEO Anti-social Behaviour Order related matters
SC - THEO - Assault	Safer Communities - THEO Prosecutions for assault
SC - THEO - B6	Safer Communities - THEO Prosecutions for breach of Byelaw 6 of Byelaws for Good Rule & Government (public urination)
SC - THEO - Begging	Safer Communities - THEO Prosecutions for begging
SC - THEO - DF	Safer Communities - THEO Prosecutions for dog fouling
SC - THEO - DOL	Safer Communities - THEO Prosecutions for dog off lead on road
SC - THEO - FT	Safer Communities - THEO Prosecutions for fly tipping
SC - THEO - FTSA	Safer Communities - THEO Prosecutions for failure to surrender alcohol
SC - THEO - Graffiti	Safer Communities - THEO Prosecutions for Graffiti
SC - THEO - HO	Safer Communities - THEO Prosecutions for Highway Obstruction
SC - THEO - LIT	Safer Communities - THEO Prosecutions for littering
SC - THEO - PO	Safer Communities - THEO Prosecutions for Public Order (including where offender obstructs THEO)
SC - THEO - Taxi	Safer Communities - THEO Taxi Touting Prosecutions
SC - THEO - Touting	Safer Communities - THEO Restaurant Touting Prosecutions
SC - THEO - UST	Safer Communities - THEO Prosecutions for Unlicensed Street Trading
SC - TS - CP	Trading Standards Consumer Protection prosecution (other than Tobacco related)
SC - TS - CPFUT	Trading Standards Consumer Protection from Unfair Trading Regulations prosecution
SC - TS - ILM	Trading Standards Illegal Money Lending prosecutions

Summary of Prosecutions and Outcomes in 2011/2012

SC - TS - Licensing	Trading Standards Licensing prosecution (does not include Licensing cases where Licensing Team are in fact client)
SC - TS - POCA	Trading Standards Proceeds of Crime Act confiscations
SC - TS - PPDVD	Trading Standards Police Partnership DVD prosecutions
SC - TS - Tobacco	Trading Standards Illicit Tobacco prosecutions
SC - TS - Trade Marks	Trading Standards Trade Marks prosecutions
SCC	Snaresbrook Crown Court
SMC	Stratford Magistrates' Court
SoCC	Southwark Crown Court
TMC	Thames Magistrates' Court
WGCC	Wood Green Crown Court
YOT	Youth Offending Team Breach prosecutions

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PUBLICITY OF ENFORCEMENT ACTION

DATE(S)	EVENT, ISSUE, INITIATIVE	DMT PRIORITY	KEY MESSAGES	CONSULTATION	EEL, PUBLICATIONS	MARKETING	MEDIA	INTERNAL COMMS	CP THEME, MAYOR'S PRIORITY
04/04/2011	Responsible Drinking Borough consultation classes	Community safety	It's not a ban on drinking in public; It gives the council and Police the powers to react to drunken troublemaker.	Letters to target audiences/four consultation events/webpage consultation	EEL article	Brick Lane plasma screens, six sheet posters, THEO, Police information cards	EEL, ELA		A safe and supportive community
06/04/2011	Focus on Environmental Health Officer	Community safety	Encouraging residents and visitors to eat out in Tower Hamlets; Improving the standard of food outlets/showcasing value for money		EEL feature TBC		Media release to local and national media	THN article	A safe and supportive community
06/04/2011 Release issued: 6/4/2011	100th CCTV arrest	Community safety	We are tackling crime and ASB		EEL article		Media release to local media. Coverage in EEL and ELA and Wavestore (web)		Safe and Supportive, crime
06/04/2011 Release issued: 6/4/2011	Fairfield Road - premises closure and eviction	Community safety	We are tackling ASB		EEL release		Media release to local and regional media. Picked up by EEL and EEL Hamony, ELA, Bangla Times, East London News, Bangla Mirror,		Safe and Supportive, crime
12/04/2011 Release issued 13/4/2011	Council and police meet with faith leaders about Cavell squat	Community safety	We are listening to your concerns and dealing with them		EEL article		Media release to local media, EEL, p9		

PUBLICITY OF ENFORCEMENT ACTION

DATE(S)	EVENT, ISSUE, INITIATIVE	DMT PRIORITY	KEY MESSAGES	CONSULTATION	EEL, PUBLICATIONS	MARKETING	MEDIA	INTERNAL COMMS	CP THEME, MAYOR'S PRIORITY
18/04/2011	Food Hygiene Standards - launch of new programme	City Status/Olympics	Encouraging residents and visitors to eat out in Tower Hamlets; Improving the standard of food outlets	Letters to food outlets	EEL article; Rating to be included on all restaurant reviews	Linked with Brick Lane Curry Capital 2012 publicity material	EEL, EIA, Euro Bangla, Bangladesh community, A Great Place to Live	THIN	A safe and supportive community, A Great Place to Live
20/04/2011	Resident practices (THEOS) response to noise nuisance	Community safety	We are tackling ASB		EEL article		Media release to local media. Coverage in EEL		Safe and Supportive, crime
21/04/2011 Release issued 27/04/2011 (bank holiday week)	Bohemian Revoked	Community safety	We will take action in response to residents' concerns		EEL article		Media release to local media. Coverage in EEL, EIA, Haringey Independent		Safe and Supportive, crime
04/05/2011	Mossford Street/ Hamlets Way - dealing with youth ASB	Community safety	You said, we did leaflet- we are responding to your concerns about ASB		N/A	Leaflet to local residents	N/A		Safe and Supportive, crime
04/05/2011 Release issued 5 May	Streetcar fined thanks to THEOS	Community safety	We are tackling ASB		EEL article		Media release to local media - Coverage in East End Life		Safe and Supportive, crime

PUBLICITY OF ENFORCEMENT ACTION

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09/05/2011	THEO s provide evidence for gang conviction and conviction of graffiti artists	Community safety	THEO s are working with the police to tackle crime		EEL article		Press release to local media (with police). Covered in EastEnd Life		Safe and Supportive, crime
09/05/2011	Canary Wharf sign up to No place for hate' pledge	Community safety	Towerhamlets is no place for hate		EEL article		Media release to local media (with Canary Wharf group). Covered in the Dockland, EastEnd Life and Harmony pages		Safe and Supportive, crime
20/05/2011	Midnight walk of Brick Lane	Community Safety	Working with partners to make Tower Hamlets a safer place to live		To include in EEL community safety edition 27 June				A Great Place to Live
23/05/2011	£25,000 confiscated by court	Cleanliness	Two comm en found in possession of fake designer belts and bags have had more than £25,000 confiscated by Sharnbrook Crown Court.		EEL article		EEL		A Great Place to Live

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23/05/2011	Fake Bollywood DVD seller	Cleanliness	Rogue trader sentenced to lengthy period of community service and ordered to pay legal costs for possessing fake Bollywood DVDs.		EEL article		Media release to local media and trade		A Great Place to Live
27/05/2011	Temporary closure of lap dancing club	Community safety	Protecting women from exploitation		EEL		The Sun, EIA		A safe and supportive community
05/09/2011	Sex establishments consultation - 6 weeks	Community Safety	Have your say on striptease premises in the borough	Borough-wide consultation including survey and focus groups. Running for 6 weeks, closing on 17 October. Focus groups scheduled for w/c 26 October.	Article in EEL	Consultation booklet produced and distributed to 1200 stakeholders	Press releases at key points in the 6 week consultation. Launch release issued		Safe and Supportive crime

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14/09/2011	Anti-touting strategy	Community safety	<p>1 We are working with businesses on Brick Lane to stamp out touting</p> <p>2 Touting on Brick Lane means the area and will not be tolerated</p> <p>3 We listened to residents' concerns about touting and we are responding to them</p> <p>4 Don't encourage touts by engaging with them</p>				<p>Mayor's media launch on Brick Lane. Positive coverage in: BBC London Online, BBC London Radio Breakfast, EIA, EIEL (and Hamory pages), NTV, Channel 4 and ATN Bangla, Eat Out magazine online</p>	THN	Safe and Supportive, crime
18/10/2011	Street drinkers targeted in Operation Lifestyle'	Community safety	<p>Street drinking hotspots have been targeted in Tower Hamlets as part of a council crackdown on anti-social behaviour.</p> <p>We are working in partnership with the police to tackle community safety</p>		EEL article		<p>Media release .East End Life, East London Advertiser, various BME print media</p>		Safe and supportive, ASB
19/10/2011	A court has ordered three men and two women to pay a total of £1170 after they were caught by Tower Hamlets Enforcement	Community safety				Contribution to newsletter	<p>Press release to local media. East End Life, various BME print media</p>		Safe and supportive, ASB

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	Offers (THEOS), urinating in public during festivals in Victoria Park.								
19/10/2011	Cigarette Vending Machines illegal		Trading Standards test purchasing with 16 yr old to highlight new legislation.		EEL article		Coverage in EEL		A Great Place to Live
21/10/2011	Launch of new CCTV at Stouley Walk. CANCELLED AND REARRANGED, THEN CANCELLED AT REQUEST OF DEPUTY MAYOR	Community safety	Making residents feel safer		EEL article		Coverage in East London news and EastEnd Life		Safe and supportive, ASB
26/10/2011	Newham launches copycat THEOS	Community safety	THEOS backs the way in community safety		EEL article		Media release to local B. Picked up by various BME media		Safe and cohesive, ASB

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07/11/2011	SNT Newsletter - partnership community safety news submission	Community safety	3 stories: 1. Launch of PTF 2. Launch of responsible drinking borough. 3. Operation Lifestyle			page of stories and photos for back page of SNT newsletter			Safe and cohesive, ASB
07/11/2011	John Murphy ASBO . CANCELLED DUE TO CHANGE OF APPROACH TO PUBLICITY BY COMMUNITY SAFETY LEGAL	Community safety	Raising awareness of work being done to tackle asb and how to report breaches		EEL article	Leaflets and posters	Media release to local media		Safe and supportive, ASB
07/11/2011	Interview with Inspector Gary Anderson, Partnership Taskforce	Community safety	The Partnership taskforce is working our community and making residents feel safer		EEL article		Press release using quotes from article		Safe and Supportive, crime
11/11/2011	Smokeless Tobacco Legislation	Cleanliness	Remember that smokeless (chewing) tobacco is subject to same legislation as cigarettes		EEL article		EEL Harmony, Bangladesh, Bangla Post, Janamot, Bangla Times, London Bangla, Notun Din, Bangla Minor		A Great Place to Live
11/11/2011	Latest dealer a day stats	Community safety	We are tackling drug dealing		EEL article		Media release to local and regional		Safe and cohesive

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18/11/2011	Mayor denands cycle safety in premises	Community safety	Need to make cycling safer; calling on Mayor of London for action		EEL article		Media release to local coverage in EEL, Bangla News, Potika, Jamnot		Safe and cohesive
21/11/2011	License suspension for curry tout restaurants	Community safety	Curry Capital 2012;		EEL article		Media release to local Bengali media. Picked up in EEL and Harmony pages, Bangla Mirror, East London News, Jamnot, Suma, Shomoy24.com		Safe and cohesive
21/11/2011	Deafara Day target is exceeded	Community safety	Community safety is a priority;		EEL article, East London News,		Media release to local Bengali media - coverage in EEL, East London Advertiser, Bangla Mirror, Potika, Bangla Post, East London News,		Safe and cohesive
23/11/2011	Exchanging place	Community safety	HGV awareness event for cycling safety		EEL article		Media release to local Bengali media		A Great Place to Live

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25/11/2011 - 10/12/2011	White Ribbon Week	Community Safety	Men against men being violent to women		Article in EEL about DV success before the week begins Articles in EEL for white ribbon week flagging up any events the public can attend Question time events in schools/colleges etc - maybe photo opportunity Post week report on weeks events		Media release to local band coverage in EEL	THN coverage of activities within CLC - senior managers stay silent for the day; stalls in MP and AH; screensavers; pre-week article	
28/11/2011	Domestic Violence One Stop Shop	Community safety	Launch of new public facing service provided by council and partners				Press release to local media - police to lead with council to add quote	Poster and story to go up in news/events	Safe and cohesive, ASB

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Nov 2011	Illegally felled trees in Island Gardens - successful prosecution	Community safety	We will tackle illegal tree felling		EEL article		Media release to local coverage in EEL	section of website	Safe and cohesive, ASB
Nov 2011	Raising awareness of the work of the DAAT and DIP, in preparation for Substance misuse strategy going to cabinet in mid-December	Community safety	TH DIP and DAAT are the best in the country and are bucking the trend and getting more people into court-enforced treatment programmes		Article on MPACT - to appear EEL w/c 12 dec				Safe and cohesive, ASB
Beginning Dec 2011	Kerr/Durnell ASBO	Community safety	We are tackling ASB in Bethnal Green			Anonymised action taken			Safe and cohesive
09/12/2011	Outcome of Old Bailey court case for Lei Pan counterfeiting jewellery and handbags		We are working to tackle counterfeiting in the borough		EEL article		Press release to local, regional and national media - court case delayed		Safe and cohesive
Dec 2011	Op Target - outcome of trial and court results	Community safety	We are working in partnership with the police to tackle drug dealing - and getting results		Spread in EEL		Press release to local media		Safe & cohesive

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Dec 2011	Substance misuse strategy goes to Cabinet	Community safety	New strategy for the borough		EEL article		Press release to local media		Safe and cohesive, ASB
Dec 2011	January SNT Newsletter - partnership community safety news submission	Community safety	Stories to include: the work of the DIP and DAAT			page of stories and photos for back page of SNT newsletter			Safe and cohesive, ASB
24/01/2012	More police officers in Tower Hamlets	Community safety	Priority to reduce crime and ASB in the borough				Media release to local media		Safe and cohesive, ASB
Jan 2012	Scheme to reduce prostitution and ASB in Bethnal Green	Community safety	Highlighting the success of the scheme				Media release to local media - coverage in EEL, East London Advertiser, Bangla News,		Safe and cohesive, ASB
13/01/2012	THEO praised by residents for work in Rampan Street	Community safety	Highlighting the work of THEO S				Media release to local media - coverage in EEL, East London Advertiser, Notun Di, Esat London News		Safe and cohesive, ASB
07/12/2012	Responsible Drinking Borough reducing alcohol related ASB	Community safety	Partnership working between the council and police has led to a significant reduction in reports of alcohol-related antisocial behaviour (ASB) in				Media release to local media - coverage EEL		Safe and cohesive, ASB

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			Tower Hamlets, new figures show.						
14 Feb 2012	March SNT Newsletter - partnership community safety news submission	Community safety	Stories to include: TBC			page of stories and photos for back page of SNT newsletter			Safe and cohesive, ASB
23/02/2012	TRA thanks THEOS for work on Linthouse Estate	Community safety					Media release to local media - coverage EEL		Safe and cohesive, ASB
06/03/2012	TH gets new powers to close restaurants that tout.	Community safety	This is the latest step by the council to improve Brick Lane and the surrounding area ahead of London 2012				Coverage in EEL, East London Advertiser, East London Lines,		Safe and cohesive, ASB

**LONDON BOROUGH OF
TOWER HAMLETS**

ENFORCEMENT POLICY

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APPENDICES

1. LBTH Policy on the Use of Covert Surveillance: Regulation of Investigatory Powers Act 2000
2. LBTH Policy on the Use of Covert Human Intelligence Sources

1. Introduction

- 1.1. This Enforcement Policy is concerned with the Council's exercise of its criminal and quasi-criminal enforcement functions. Whilst some of the sanctions available to the Council are civil in nature, such as forfeiture of goods and money, this policy is not concerned with purely civil enforcement such as the enforcement of debts. Rather, it is concerned with offences and contraventions of legislation that fall within the Council's responsibility to enforce.
- 1.2. The Policy will assist Council officers to carry out their duties consistent with the principles of enforcement set out in section 5. It will assist the community and other members of the public to understand why the Council approaches enforcement in a particular way in individual cases.
- 1.3. The Policy is a high-level document that applies to all of the Council's relevant enforcement functions. It is recognised that individual service areas within the Council that carry out enforcement may have to take into account considerations specific to the regulatory framework in which they operate. To this end, there may be additional service-specific enforcement policies that operate under the broad umbrella of this policy.
- 1.4. All authorised officers of the Council will abide by this policy. Any departure must be fully considered and justified by the appropriate officer before a decision is made.

2. The Basis for Enforcement

- 2.1. The Council will target its enforcement action having regard to the following –
- The Tower Hamlets Community Plan, which contains the Council's sustainable community strategy for the purposes of section 4 of the Local Government Act 2000
 - The Council's Local Development Framework
 - Any external targets or requirements imposed under relevant legislation.
- 2.2. The Community Plan makes clear the role of enforcement in the goals of the Council and the Tower Hamlets Partnership. The Partnership is trying to achieve One Tower Hamlets, a borough where everyone has an equal stake and status; where people have the same opportunities as their neighbours; where people have a responsibility to contribute; and where families are the cornerstone of success. This is the broad vision of how to improve the well-being of Tower Hamlets.
- 2.3. One of the key themes in the Community Plan is that of achieving A Safe and Supportive Community. This means a place where crime is rare and tackled effectively and where communities live in peace together. As part of tackling and preventing crime, the Council will have regard to prevention and reducing re-offending. However, the Council will also actively enforce and will promote its successes to support its Community Plan goals. Other key Community Plan themes that enforcement may support are A Great Place to Live (eg reducing graffiti and litter, providing first class and well-managed

centres) and A Prosperous Community (eg supporting local business by eliminating unlawful trading).

- 2.4. All enforcement action is based upon an assessment of the nature of the offence and the risk, nuisance or disadvantage being caused.
- 2.5. This policy has been written with regard to the Regulators' Compliance Code and which came into force on 6 April 2008. The Compliance Code is a central part of the Government's better regulation agenda. Its aim is to embed a risk-based, proportionate and targeted approach to regulatory inspection and enforcement among the regulators it applies to.
- 2.6. The Council fully acknowledges and endorses the rights of individuals who may be subject to enforcement. It will ensure that enforcement action will be taken with due regard to:
 - Police and Criminal Evidence Act 1984
 - Criminal Procedures and Investigation Act 1996
 - Human Rights Act 1998
 - Regulation of Investigatory Powers Act 2000
 - Legislative and Regulatory Reform Act 2006
 - Home Office Circular 14 / 2006 - The Final Warning scheme
 - Home Office Circular 16 / 2008 - Simple cautioning of adult offenders
 - The Code for Crown Prosecutors
 - Other relevant legislation and advice.
- 2.7. Where specific advice or direction on enforcement action exists, this will be taken into account as appropriate. For example, in relation to licensing the Council will have regard to the guidance issued under section 182 of the Licensing Act 2003. Specific advice or

direction may come from sources such as internal operating directions or arrangements.

3. Principles of Enforcement

3.1. The Council's approach is founded on firm but fair regulation, around the principles of:

- **raising awareness** of the law and its requirements
- **proportionality** in applying the law and securing compliance
- **consistency** of approach
- **transparency** about the actions of the Council and its officers
- **targeting** of enforcement action.

3.2. Raising Awareness

3.3. The first step in enforcement is to prevent contraventions of the law by raising awareness and promoting good practice, by providing advice, information, guidance and support.

3.4. Proportionality

3.5. Proportionality is about balancing the crime or the wrong being investigated and the risk, nuisance or disadvantage being caused.

3.6. Consistency

3.7. Consistency means taking a similar approach in similar circumstances to achieve similar ends. The Council aims to achieve consistency when: responding to requests for service; offering advice; and deciding upon enforcement action.

3.8. Consistency does not mean uniformity. Officers will need to take account of many variables when making decisions, including: the

seriousness of the breach; any history of previous breaches; the attitude of the offender; and the capacity of the offender.

3.9. Whilst the appropriate officer will be expected to exercise judgement in individual cases, the Council will continue to strive to promote consistency, including: advice, guidance and training for its officers; and arrangements for effective liaison with other enforcing bodies.

3.10. **Transparency**

3.11. Transparency means helping those who are regulated and other individuals to understand: what is expected of them; and what they should expect from the Council as an enforcing authority.

3.12. Transparency involves: distinguishing between statutory requirements and other advice and guidance; and explaining why an officer will or has taken enforcement action.

3.13. **Targeting**

3.14. Targeting means ensuring that enforcement is directed primarily where:

- activities give rise to the **most serious** risks, nuisances, disadvantages or other similar situations;
- where the law places an absolute duty upon the Council;
- activities are least well controlled/managed.

3.15. Action will be primarily focused on those who are responsible for a risk or activity and are best placed to control it.

4. Authorisations and Delegations

- 4.1. For enforcement action or action taken in connection with legal proceedings, decisions will be taken by officers duly authorised under legislation, or with delegation under schemes of delegation maintained by the Council, as relevant or appropriate to the subject area (“Authorised Officers”).
- 4.2. Pursuant to the Council’s Constitution, the responsibility for instituting or participating in legal proceedings lies with the Assistant Chief Executive (Legal Services) or officers nominated by the Assistant Chief Executive (Legal Services). Accordingly, the decision whether or not to prosecute offences will be taken within Legal Services. This decision will typically be taken on instructions from Authorised Officers.
- 4.3. Officers will be authorised to carry out enforcement actions in accordance with schemes of delegation made under the Council’s Constitution.
- 4.4. Where any action is taken which may lead to or bear upon a prosecution or simple caution, or give rise to other enforcement action, e.g. service of a notice, the Council’s Legal Services will require to be satisfied as to the adequacy and legality of documentation, procedures and evidence.

5. Investigations

- 5.1. The Council will determine the appropriate approach to investigation having regard to the content of this policy, including the principles of enforcement.
- 5.2. As set out in paragraph 4.6 above, the Council respects the rights of individuals and will have regard to the statutes and guidance there set out. The Council will follow the policies set out in Appendices 1 and 2 to this Policy when using, respectively, covert surveillance or covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.
- 5.3. In respect of the regulatory functions exercised by the Council which are specified in Part 3 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007, the Council will, in determining the appropriate form of any investigation, comply with the requirements of the Regulators' Compliance Code.

6. Enforcement Options

- 6.1. There are a wide range of enforcement options open to the Council to take and each will be dependant upon the circumstances of the offence. Not all options will apply to every enforcement service, e.g. revocation of street trading licences is an option available to Market Services.
- 6.2. Examples of the options that may be available, depending on the subject enforcement area are set out below. Guidance is given in section 8 of this policy as to the appropriate option to take in an individual case.
- 6.3. **No action**
- 6.4. The Council may choose to do nothing in respect of an apparent contravention of the law. This would be appropriate in relation to low level offending where the offender immediately puts right what was wrong (e.g. littering where the offender immediately picks up after being spoken to) and has no previous history of such offending. This would also be suitable in low level offending where the offence was down to a genuine mistake or misunderstanding.
- 6.5. **Prevention**
- 6.6. The Council may take action designed to prevent further offending. For example, the Council presently operates the Diversion Scheme in respect of prostitution and participates in the Change Course for those found engaged in kerb crawling. These schemes have proved effective in diverting offenders away from the particular classes of offending.

6.7. A preventative approach can also be used to explain legal requirements and, where appropriate, the means to achieve compliance. An educative approach may be considered necessary when new legislation has come into force that will require time for businesses to fully understand and comply with (e.g. if new Food Regulations were introduced). This may involve the Council in undertaking pro-active education programmes.

6.8. Warning

6.9. A warning is a written notification from the Council to an offender that identifies the offending conduct and offence and warns the offender that any further like breach of the law will lead to more serious enforcement action. A warning should only be considered where the following conditions are met:

- The offence is not serious;
- The offender admits the offence;
- The risk of re-offending is considered minimal; and
- Enforcement action has not previously been taken against the offender.

6.10. Simple Caution

6.11. The administration of a Simple Caution is a non-statutory disposal of offences committed by adult offenders. The simple caution provides a means of dealing quickly and simply with less serious offences where the offender has admitted the offence. It records an individual's criminal conduct for possible reference in future criminal proceedings or security checks. Administering a simple caution diverts offenders from appearing in criminal courts, whilst at the same time reducing the likelihood of re-offending.

6.12. The Council will exercise discretion when deciding whether to administer a simple caution on a case by case basis. In doing so, the Council will have regard to the aims of a simple caution set out in the preceding paragraph and any relevant guidance. The relevant guidance includes Home Office Circular 16/2008: *Simple cautioning of adult offenders* and the LACORS revised Guidance on Cautioning of Offenders.

6.13. In each case, the Council will consider whether a caution is appropriate to the offence and the offender and whether it is likely to be effective in the circumstances. In considering whether a Caution is appropriate, the Council will consider the following factors:-

- Is there sufficient evidence of the suspect's guilt?
- Has the suspect made a clear and reliable admission of the offence (either verbally or in writing)? A Caution will not be appropriate where a person has not made a clear and reliable admission of the offence (for example where intent is denied or there are doubts about the person's mental health or intellectual capacity or where it is likely that the person could avail themselves of the provisions of a statutory defence).
- Is it in the public interest to use a Caution as the appropriate means of disposal? Officers should take into account the public interest principles set out in the Code for Crown Prosecutors

6.14. If there is a victim, then the Council will also take into account the victim's views before administering a simple caution.

6.15. Enforcement notice

6.16. The Council has a variety of statutory powers to issue enforcement notices. For example, in food safety cases the Council may issue a Hygiene Improvement Notice under the Food Safety Act 1990. Another example is the Council's power to issue an abatement notice under the Environmental Protection Act 1990 in respect of statutory nuisances (eg noise nuisance). The Council will consider whether or not an enforcement notice is an appropriate response by reference to the provisions of any applicable statutory provision and the circumstances of the case.

6.17. Works in default

6.18. In some cases, the Council has power to carry out works to remedy non-compliance with an enforcement notice, or to deal with a dangerous situation. If there is immediate danger, the Council will be primarily concerned with remedying that. In other cases, the Council will have regard to a cost benefit analysis.

6.19. Injunction

6.20. An injunction is a [court order](#) that requires a person to do, or to refrain from doing, specified acts. The Council has some statutory powers that enable it to seek injunctions, such as section 222 of the Local Government Act 1972. The Council will generally only consider injunctions for enforcement purposes where it can be demonstrated that prosecution will afford an inadequate remedy, or there is a significant risk to the safety, health or economic welfare of the public at large or to individuals.

6.21. Review or revocation of licence

6.22. The Council is responsible for administering a variety of licences and permissions, such as under the Licensing Act 2003. Where there are contraventions of the law associated with those licences and permissions, the Council may have statutory powers enabling review or revocation. The Council will exercise those powers having regard to its responsibilities under the applicable legislation. The Council will consider whether other enforcement action should be taken or, if it has been taken, whether further enforcement action is appropriate.

6.23. Anti-social behaviour order (ASBO)

6.24. The Council has power under the Crime and Disorder Act 1998 to apply for an ASBO against a person who has caused harassment, alarm or distress to a person not of the same household. The Council may do so either on a stand-alone basis or post-conviction for an offence. The Council has adopted and published an ASB Strategy that sets out its policies and strategy for dealing with anti-social behaviour. The Council will consider whether or not to seek an ASBO, or whether to take any of the other action that is available for combating anti-social behaviour, by reference to its ASB Strategy.

6.25. Fixed penalty notice (FPN)

6.26. The Council has power to issue FPNs in respect of a variety of offences, under statutes such as the Clean Neighbourhoods and Environment Act 2005. An FPN provides the recipient the opportunity to pay a penalty in respect of offending conduct, rather than being prosecuted. Receiving a notice is not a criminal conviction, but failure to pay will lead to prosecution. The recipient of an FPN may choose to have the matter dealt with in court, then

the Council will give consideration to the same matters applicable on prosecution (with the exception of considering alternatives to prosecution).

6.27. The Council will generally only consider the use of FPNs where the following conditions are met –

- The offence is one for which an FPN may be issued under a relevant statutory power.
- The offender admits the offence, or at least has not indicated to the issuing officer that the offence is denied.
- The risk of re-offending is considered minimal.
- Enforcement action has not previously been taken against the offender (with the exception of no action, a warning or a FPN having been taken); and
- The offender has not been given an FPN in the preceding six months or two FPNs in the preceding 12 months.

6.28. Confiscation

6.29. A confiscation order is made after conviction to deprive the defendant of the benefit that he has obtained from crime. The Council may seek confiscation under the Proceeds of Crime Act 2002.

6.30. The Council is generally committed to taking action for confiscation when it is available, so that offenders do not benefit from their crimes. The Council will seek to obtain, so far as possible, confiscated monies in order to apply them to the support of its enforcement work.

6.31. In determining whether confiscation is appropriate, the Council will have regard to the relevant statutory power and the circumstances

of the case. The Council will take into account a cost benefit analysis of whether confiscation action should be taken, recognising that the costs of the action need to be weighed against the likely amount of the confiscation order.

6.32. Prosecution

6.33. The Council is empowered to prosecute a variety of common law and statutory offences. In some instances, the Council is tasked to be an enforcing authority by statute. The Council also has a general power to enforce arising from section 222 of the Local Government Act 1972.

6.34. Before recommending prosecution to Legal Services, the instructing officer must be satisfied that there is substantial, reliable and admissible evidence to prove that the offence was committed by the accused.

6.35. The later sections of this Policy set out the considerations that will be applied by the Council in determining whether or not to prosecute.

7. Levels of Enforcement Action

7.1. There will be circumstances in which the Council has available several enforcement options. In determining the appropriate level of enforcement action, the Council will always take into account the circumstances of the individual case. Even where the Council is targeting a particular type of behaviour, it will be appropriate to consider individual circumstances.

7.2. In choosing a particular enforcement option, the Council will have regard to the basis for enforcement (section 4 of this Policy), the principles of enforcement (section 5 of this Policy) and the general approach to each option (section 7 of this Policy). The Council will also have regard to the following matters when deciding between options –

- The seriousness and effect of the offence
- The previous history of the party concerned
- Whether the offence was intentional, accidental or otherwise
- The offender's attitude to the offence and whether he or she has shown remorse
- The willingness of the alleged offender to prevent a recurrence
- The consequences of non-compliance
- The deterrent effect of a prosecution on offenders and others
- Whether there is sufficient evidence to prove the offence
- The age, capacity or vulnerability of the offender.

7.3. In respect of the regulatory functions exercised by the Council which are specified in Part 3 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007, the Council

will, before taking enforcement action, comply with the requirements of the Regulators' Compliance Code. The responsible officer should consider whether it is appropriate to discuss the circumstances with those suspected of the regulatory breach and, if so, take that discussion into account when deciding on the best approach. Reasons should be given to the person against whom enforcement action is taken, at the time the enforcement action is being taken.

7.4. There are particular considerations that apply before the Council will prosecute. The Council will apply the Code for Crown Prosecutors to any proposed prosecution, as further explained in section 11 of this Policy. The Council will also have regard to the following:

- the seriousness of the alleged offence;
- the level of risk, nuisance or caused;
- the history of the individual concerned;
- availability of key witnesses and their willingness to co-operate;
- willingness of the prospective defendant to prevent a recurrence;
- whether a defence exists and the likelihood of the defendant being able to establish such a defence;
- probable public benefit of a prosecution and the importance of the case, e.g. whether it may create a legal precedent;
- whether other formal action would be more appropriate or effective;
- any explanation offered by the defendant;
- the age, capacity or vulnerability of the offender;
- the vulnerability of any victim;
- whether, owing to circumstances beyond the offender's control, the commission of the offence was unavoidable.

- 7.5. If prosecution is available, the Council will generally consider it to be appropriate where one or more of the following apply –
- There has been a serious breach of or blatant disregard for the law.
 - There is a refusal to achieve basic minimum legal requirements.
 - There has been a previous prosecution.
 - There has been a Simple Caution administered within the preceding 2 years.
 - There has been a refusal to accept a Simple Caution
 - There has been a refusal to heed an earlier warning.
 - An FPN has been given in the preceding 6 months or two FPNs in the preceding 12 months.
- 7.6. Before issuing a warning or caution, consideration will be given to whether the person has received any previous warnings or cautions for similar breaches and when those were given. If the person has been given a warning or caution for a similar offence within the previous two years, or if the person has a history or pattern of more than one warning or caution for similar offences, then it may be inappropriate to adopt this enforcement action again.
- 7.7. The factors referred to above are not exhaustive. In particular there may be service-specific factors to be taken into account. A decision as to the appropriate enforcement option will depend on the particular circumstances of each case. The Council will make an overall assessment having regard to the importance of all relevant factors and the circumstances of the case.
- 7.8. The responsible officer should in each case make a written record of the reasons for any enforcement action taken.

- 7.9. The Council will give consideration to how its enforcement action affects individuals and groups within Tower Hamlets. In appropriate cases, the Council may use information about offenders and particularly any trends observed to develop measures for addressing the causes of offending and re-offending. Such measures may affect the Council's determination of the appropriate level of enforcement action in an individual case.
- 7.10. The Diversion Scheme developed by the Council in conjunction with its partners for dealing with street prostitution is an example of a measure of the kind mentioned in paragraph 7.9. On arrest, prostitutes are given information about the Diversion Scheme and may choose to engage in meetings with the Diversion Scheme Worker at Safe Exit. This involves a needs assessment and referral to an appropriate support agency with the aim of helping individuals get away from prostitution, rather than fining them and potentially forcing re-offending. The Council is the prosecutor in respect of such offences, rather than the Crown Prosecution Service, and, if the scheme is completed, the Council generally discontinues the prosecution.

8. Young people

- 8.1. From time to time, Council Enforcement Officers will be required to deal with persons under the age of 18 as offenders. Council Officers will not interview a Youth about an offence unless an appropriate adult is present and in full compliance with the relevant parts of PACE Code C.
- 8.2. The Council will not normally prosecute any person who on the day of the relevant offence is under the age of 18 but will, in accordance with Home Office guidance look, where possible, at ways of diverting youths away from the criminal justice system.
- 8.3. The Council may, however, prosecute a person under the age of 18 where the offence is of a serious nature (e.g. assault, fraud etc.) or the person has been given a reprimand or warning under Home Office Circular 14/2006 or the person has previously been convicted of an offence.

9. Other Enforcement Agencies

- 9.1. The Council will co-operate as appropriate with other enforcement agencies (for example, the Metropolitan Police and the Federation Against Copyright Theft), to ensure the efficient and effective regulation of activities in Tower Hamlets. The Council will take into account, amongst other things, the terms of this Policy in determining the appropriateness of co-operation.
- 9.2. Section 4 of this Policy identifies the relationship between the Community Plan and the Council's enforcement action. The Council's co-operation with other agencies will be affected by the Community Plan and other partnership arrangements.
- 9.3. Where the Council has concurrent or overlapping powers of enforcement with other agencies, the Council will liaise as appropriate with those agencies to ensure effective co-ordination, avoid inconsistencies, ensure that any action taken is the most appropriate in the circumstances and agree the lead prosecuting agency.

10. The Role of Legal Services

10.1. Legal Services is a department within the Council, headed by the Assistant Chief Executive (Legal Services) and based at 6th Floor of Mulberry Place, 5 Clove Crescent, London E14 2BG. Pursuant to the Council's Constitution, the responsibility for instituting or participating in legal proceedings lies with the Assistant Chief Executive (Legal Services) or officers nominated by the Assistant Chief Executive (Legal Services). Accordingly, the decision whether or not to prosecute offences will be taken within Legal Services. This decision will typically be taken on instructions from Authorised Officers.

11. The Code for Crown Prosecutors

11.1. In determining whether or not the Council will prosecute an offence, the Council will consider the matters set out in section 8 above, including the Code for Crown Prosecutors.

11.2. The Code for Crown Prosecutors sets out the basic principles to be followed by Council Prosecutors when they make case decisions. The decision on whether or not to go ahead with a case is based on two tests outlined in the Code.

11.3. The evidential test

11.4. This is the first stage in the decision to prosecute. Prosecutors must be satisfied that there is enough evidence to provide a “realistic prospect of conviction” against each defendant on each charge. Prosecutors must consider the reliability of the evidence; the credibility of any witness; and the admissibility of the evidence. They must also consider what the defence case may be and how that is likely to affect the prosecution case. A “realistic prospect of conviction” is an objective test. It means that a jury or a bench of magistrates, properly directed in accordance with the law, will be more likely than not to convict the defendant of the charge alleged. (This is a separate test from the one that criminal courts themselves must apply. A jury or magistrates’ court should only convict if it is sure of a defendant’s guilt.) If the case does not pass the evidential test, it must not go ahead, no matter how important or serious it may be.

11.5. The public interest test

- 11.6. If the case does pass the evidential test, Prosecutors must then decide whether a prosecution is needed in the public interest. They must balance factors for and against prosecution carefully and fairly. Some factors may increase the need to prosecute but others may suggest that another course of action would be better. A prosecution will usually take place however, unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour. Prosecutors will only start or continue a prosecution if a case has passed both tests.
- 11.7. Consistent with section 5 of this Policy, the decision whether or not to prosecute rests ultimately with the Assistant Chief Executive (Legal Services).

12. Equalities and Diversity

12.1. In conducting enforcement work, the Council will be mindful of its statutory responsibilities in respect of equalities and will take into account its *Single Equality Framework*. The Council will take steps to gather information as appropriate in relation to relevant equality strands, in order to assess the impact of enforcement action.

13. Changes to the Policy

13.1. The Council will keep this policy under review and may amend the policy from time to time as it considers appropriate.

14. Complaints

14.1. The Council operates a corporate complaints system. If there are any complaints regarding the Council's enforcement action or the application of this Policy, then they may be made and dealt with in accordance with the corporate complaints system. This is without prejudice to any other rights that a person may have at law.

ENFORCEMENT POLICY - APPENDIX 1

LONDON BOROUGH OF TOWER

HAMLETS

POLICY ON THE USE OF COVERT

SURVEILLANCE

REGULATION OF INVESTIGATORY

POWERS ACT 2000

1. Introduction

1.1. The Council has broad statutory functions and takes targeted enforcement action in relation to those functions having regard to the following –

- The Tower Hamlets Community Plan, which contains the Council's sustainable community strategy for the purposes of section 4 of the Local Government Act 2000
- The Council's Local Development Framework
- Any external targets or requirements imposed under relevant legislation
- The Council's enforcement policy

1.2. There may be circumstances in the discharge of its statutory functions in which it is necessary for the Council to conduct directed surveillance for one or more of the following purposes –

- Preventing or detecting crime
- Preventing disorder
- In the interests of public safety
- Protecting public health

1.3. The Council is mindful of its obligation under section 6(1) of the Human Rights Act 1998 not to act in a way which is incompatible with a Convention right (meaning the European Convention on Human Rights ("ECHR")).

1.4. The Council recognises the terms of Article 8 of the European Convention of Human Rights provides:

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of

national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- 1.5. The Council recognises that individuals have the right to a fair trial under Article 6 of the ECHR and that this may be affected if evidence is improperly obtained.
- 1.6. The Council understands that it is obliged to comply with the provisions of the Regulation of Investigatory Powers Act 2000 (“RIPA”) in order to conduct directed surveillance. The Council believes that by complying with the provisions of RIPA, the Council should also ensure that any directed surveillance comes within the qualification in Article 8(2) of the ECHR and, accordingly, the Council should not breach its obligation under section 6(1) of the Human Rights Act 1998.
- 1.7. The Office of Surveillance Commissioners (‘OSC’) has recommended as best practice that public authorities develop a corporate policy. The Council concurs with the OSC that a corporate policy is best practice and has had such a policy in effect since 27th July 2004. This document is the Council’s corporate policy in relation to directed surveillance. The Council also has a policy in place in respect of the use of covert human intelligence sources, which is contained in a separate document.
- 1.8. The Council has prepared guidance notes and a procedure manual on the use of directed surveillance, which should be read with this policy.

2. Responsibilities

2.1 The Assistant Chief Executive (Legal Services) (“ACE”) is responsible for the following –

- Ensuring the proper implementation of this policy and the guidance and procedures that go with it.
- Ensuring the Council complies with the requirements of Part II of RIPA.
- Ensuring that due regard is given to any code of practice issued pursuant to section 71 of RIPA.
- Engaging with commissioners and inspectors when they conduct inspections under RIPA.
- Overseeing the implementation of any recommendations made by a commissioner.

2.2 The Head of Legal Services (Community) (“HLS”) is the deputy to the ACE for the purposes of carrying out the functions in 2.1.

2.3 The Service Head – Community Safety is the Council’s authorising officer for the purposes of considering applications for authorisation to conduct directed surveillance, with the exception of cases where confidential information is either targeted or likely to be obtained. If the Service Head – Community Safety is unavailable and the ACE or HLS agree that it is appropriate in respect of a specified application for authorisation, then the Head of Audit may act as the Council’s authorising officer in respect of that application.

2.4 In cases where the directed surveillance targets confidential information or confidential information is likely to be obtained, then the Council’s authorising officers is the Chief Executive, or, in the Chief Executive’s absence, the person acting as Chief Executive.

2.5 The Council considers that applications for authorisation to conduct directed surveillance should be of a high and consistent standard. For this reason, all applications should be cleared by a gate-keeper before consideration by the authorising officer. The Council's gate-keeper is the Head of Enforcement and Support Intervention in Community Safety. In the absence of that officer, the HLS may act as the gate-keeper.

2.6 All officers have responsibility to ensure that directed surveillance is only conducted where there is an authorisation from the authorising officer, an approval from a justice of the peace and the surveillance is conducted in accordance with that authorisation and approval and any other directions given by the authorising officer.

3. **Directed Surveillance**

3.1 Terms used in this policy have the meanings given by RIPA or any relevant code of practice made under section 71 of RIPA.

3.2 Directed surveillance is surveillance that is covert (i.e. secret) but not intrusive and which is undertaken:

- for the purposes of a specific investigation or a specific operation;
- in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
- otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of RIPA to be sought for the carrying out of the surveillance.

3.3 Intrusive surveillance is covert surveillance that is carried out in relation to anything taking place on residential premises or in any private vehicle. It involves the presence of an individual inside the residence or vehicle or is carried out by means of a surveillance device. **The Council is not permitted to conduct intrusive surveillance under RIPA and will not use intrusive surveillance.**

4. Priorities

4.1. The Council will use directed surveillance only where approval has been obtained under RIPA and only in accordance with the terms of the approval.

4.2. An authorisation may only be granted where –

- It is necessary for one of the following purposes: (1) preventing or detecting crime; (2) preventing disorder; (3) in the interests of public safety; and (4) protecting public health.
- It complies with any additional conditions imposed by the Secretary of State under RIPA. From 1 November 2012 this means that the Council's use of RIPA is restricted to the following offences:
- An offence punishable by a maximum term of at least 6 months of imprisonment;
- An offence under section 146 of the Licensing Act 2003 (sale of alcohol to children);
- An offence under section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
- An offence under section 147A of the Licensing Act 2003 (persistently selling alcohol to children); or
- An offence under section 7 of the Children and Young Persons Act 1933 (sale of tobacco etc. to persons under eighteen).

4.3. Having regard to the permitted purposes and to the requirements in the Council's Enforcement Policy that enforcement action should be targeted (to the Council's stated objectives), the Council's current priorities for the use of RIPA are –

- Anti-social behaviour
- Fly-tipping
- Unlawful street vending of DVDs and tobacco
- Underage sales of knives, tobacco, alcohol and fireworks
- Fraud, including misuse of disabled parking badges and claims for housing benefit
- Illegal money-lending and related offending
- Licence breaches
- Touting.

5. Authorisations

5.1. Prior to directed surveillance taking place RIPA provides that the surveillance must be –

- First, authorised by the Council's authorising officer as defined in section 2 of this Policy.
- Secondly, approved by a justice of the peace.

5.2. Surveillance can only take place where it is for the purpose of preventing or detecting crime or of preventing disorder and relates to an offence of the kind specified in paragraph 4.2 above. The authorisation and approval ensure that the surveillance is both necessary and proportionate as well as limiting any potential collateral intrusion. Further the authorisation and approval will need to consider whether confidential information is likely to be obtained as a result of the covert surveillance.

- 5.3. There is a Code of Practice that has been issued by the Secretary of State relating to the use of Covert Surveillance and Property Interference and this came into force on 6th April 2010.
- 5.4. The Council is committed to only using directed surveillance in accordance with RIPA and any Code of Practice issued by the Secretary of State. The Council has adopted a guidance manual to assist officers to make only make applications and grant authorisations in accordance with RIPA and the Code.
- 5.5. The Council is not permitted to authorise intrusive surveillance under RIPA or property interference under the Police Act 1997. The Council will not use either measure in its investigations. Where an investigation will involve property interference such as the placing of a tracker on a vehicle then that will have to be authorised by the police.
- 5.6. All authorisations are required to have a Unique Reference Number ("URN") and the officer seeking the authorisation must obtain the URN from Legal Services at the time of preparing the application (ie prior to seeking authorisation) and the authorising officer is not to authorise that authorisation unless a URN has been provided.
- 5.7. The Council is committed to achieving a consistent high standard in applications for authorisation to conduct directed surveillance. All applications must first be submitted to the Council's gatekeeper as specified in section 2 of this Policy. Only when the gatekeeper has cleared the application may the authorised officer consider it.
- 5.8. After the Council's authorising officer has authorised the directed surveillance, the authorising officer must immediately notify the HLS or nominee who will update the central record and make the necessary court application to obtain approval from a justice of the peace. No

investigation may commence unless and until a justice's approval has been obtained.

6. Training

- 6.1 Authorising officers can only authorise once they have undertaken training on the operation of RIPA and the Code of Practice. The Council's gatekeepers may only clear applications for consideration by the authorising officer after undertaking the same training as the authorising officers.
- 6.2 All officers who may seek to use directed surveillance during an investigation must also have undertaken training on the operation of RIPA and the Code of Practice.
- 6.3 The Council will arrange appropriate training courses at regular intervals. It is expected that members of the Corporate Management Team will require authorising officers, gatekeepers and those who may apply to conduct directed surveillance to undertake the training.

7. Reviews/Cancellations

- 7.1. An authorisation for directed surveillance lasts for 3 months before having to be renewed but when authorising directed surveillance the authorising officer is required to set a date for review of that authorisation. This is known as the first review. The Code of Practice requires regular reviews be undertaken by the authorising officer to assess the continuing need for the surveillance.
- 7.2. The frequency of reviews must be considered at the outset by the authorising officer as frequently as is considered necessary and practicable on a case by case basis. In any event, the authorising officer must set a first review date when granting the authorisation.

- 7.3. If after the first review the authorising officer considers that the directed surveillance is to continue then s/he will be required to set a further date of review. Again, this assessment will be on a case by case basis and in a time that is considered necessary and practicable.
- 7.4. If on the review, however, the authorising officer is satisfied that the authorisation is no longer necessary on the ground under which it was granted or renewed or it is no longer proportionate to what is sought to be achieved by carrying it out then the authorising officer must request that the authorisation be cancelled and no further surveillance under that authorisation is to be carried out.
- 7.5. It should be stressed that authorisations for directed surveillance must be cancelled. They cannot and must not be allowed to just lapse.

8. Combined Authorisations

- 8.1 From time to time, it may well be that the directed surveillance will be undertaken by a Covert Human Intelligence Source ("CHIS"). If it does then both actions must be authorised. A single authorisation can combine the two, however, and this should be done on the application form used for the authorisation of the CHIS.

9. Security of Covert Technical Equipment

- 9.1. The Council also requires each Service that uses covert technical equipment when undertaking surveillance to ensure that such equipment is securely locked away when not used. Further, such equipment will only be issued to an officer who has authorisation to use it. There will be a logging in and out book and the officer will be required to sign for the equipment. In signing for the equipment, the

officer will be reminded that misuse of the equipment is a disciplinary offence.

10. Member Oversight

10.1 The Council's Standards Committee will review this Policy and the Council's conduct of directed surveillance. If issues arise, the Standards Committee will make recommendations to Cabinet for action.

11. Central Recording

11.1 The Council is required to keep records in relation to authorisations centrally. Those records will be maintained by Legal Services.

11.2 The relevant authorising officer must provide copies of all authorisations and all reviews, renewals and cancellations to the ACE, the HLS, or a person nominated by either of them. The authorisation officer must provide those documents forthwith after following signing by the authorising officer.

11.3 All officers are expected to use the most up to date versions of forms recommended by the Home Office.

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ENFORCEMENT POLICY - APPENDIX 2

LONDON BOROUGH OF TOWER

HAMLETS

POLICY ON THE USE OF COVERT

HUMAN INTELLIGENCE SOURCES

REGULATION OF INVESTIGATORY

POWERS ACT 2000

1. Introduction

1.1. The Council has broad statutory functions and takes targeted enforcement action in relation to those functions having regard to the following –

- The Tower Hamlets Community Plan, which contains the Council's sustainable community strategy for the purposes of section 4 of the Local Government Act 2000
- The Council's Local Development Framework
- Any external targets or requirements imposed under relevant legislation
- The Council's enforcement policy

1.2. There may be circumstances in the discharge of its statutory functions in which it is necessary for the Council to use covert human intelligence sources for one or more of the following purposes –

- Preventing or detecting crime
- Preventing disorder
- In the interests of public safety
- Protecting public health

1.3. The Council is mindful of its obligation under section 6(1) of the Human Rights Act 1998 not to act in a way which is incompatible with a Convention right (meaning the European Convention on Human Rights ("ECHR")).

1.4. The Council recognises the terms of Article 8 of the European Convention of Human Rights provides:

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- 1.5. The Council recognises that individuals have the right to a fair trial under Article 6 of the ECHR and that this may be affected if evidence is improperly obtained.
- 1.6. The Council understands that it is obliged to comply with the provisions of the Regulation of Investigatory Powers Act 2000 (“RIPA”) in order to use covert human intelligence sources. The Council believes that by complying with the provisions of RIPA, the Council should also ensure that any use of a covert human intelligence source comes within the qualification in Article 8(2) of the ECHR and, accordingly, the Council should not breach its obligation under section 6(1) of the Human Rights Act 1998.
- 1.7. The Office of Surveillance Commissioners (‘OSC’) has recommended as best practice that public authorities develop a corporate policy. The Council concurs with the OSC that a corporate policy is best practice and has had such a policy in effect since 27th July 2004. This document is the Council’s corporate policy in relation to covert human intelligence sources. The Council also has a policy in place in respect of the use of directed surveillance, which is contained in a separate document.

1.8. The Council has prepared guidance notes and a procedure manual on the use of covert human intelligence sources, which should be read with this policy.

2. Responsibilities

2.1 The Assistant Chief Executive (Legal Services) (“ACE”) is responsible for the following –

- Ensuring the proper implementation of this policy and the guidance and procedures that go with it.
- Ensuring the Council complies with the requirements of Part II of RIPA.
- Ensuring that due regard is given to any code of practice issued pursuant to section 71 of RIPA.
- Engaging with commissioners and inspectors when they conduct inspections under RIPA.
- Overseeing the implementation of any recommendations made by a commissioner.

2.2 The Head of Legal Services (Community) (“HLS”) is the deputy to the ACE for the purposes of carrying out the functions in 2.1.

2.3 The Service Head – Community Safety is the Council’s authorising officer for the purposes of considering applications for authorisation to use covert human intelligence sources, with the exception of cases where confidential information is either targeted or likely to be obtained. If the Service Head – Community Safety is unavailable and the ACE or HLS agree that it is appropriate in respect of a specified application for authorisation, then the Head of Audit may act as the Council’s authorising officer in respect of that application.

- 2.4 In cases where the covert human intelligence source is targeted to obtain confidential information or confidential information is likely to be obtained, then the Council's authorising officers is the Chief Executive, or, in the Chief Executive's absence, the person acting as Chief Executive.
- 2.5 The Council considers that applications for authorisation to use covert human intelligence sources should be of a high and consistent standard. For this reason, all applications should be cleared by a gatekeeper before consideration by the authorising officer. The Council's gate-keeper is the Head of Enforcement and Support Intervention in Community Safety. In the absence of that officer, the HLS may act as the gatekeeper.
- 2.6 All officers have responsibility to ensure that covert human intelligence sources are only used where there is an authorisation from the authorising officer, an approval from a justice of the peace and the surveillance is conducted in accordance with that authorisation and approval and any other directions given by the authorising officer.
- 2.7 Section 8 deals with the responsibilities of the controller, the handler and the record keeper for any covert human intelligence source. Section 5 specifies that the officers nominated to control, handle and record-keep in respect of a covert human intelligence source must be trained to the satisfaction of both the authorising officer and the ACE before any authorisation may be granted.

3. Covert Human Intelligence Sources

- 3.1 Terms used in this policy have the meanings given by RIPA or any relevant code of practice made under section 71 of RIPA.

3.2 Under RIPA, a person is a covert human intelligence source if the person establishes or maintains a personal or other relationship with another person for the purpose of facilitating either –

(a) Covertly obtaining information or providing another person with access to any information.

(b) Covertly disclosing information obtained by use of the relationship or as a consequence of the existence of the relationship.

4. Priorities

4.1. The Council will use covert human intelligence sources only where an approval has been obtained under RIPA and only in accordance with the terms of the approval.

4.2. An authorisation may only be granted where –

- It is necessary for one of the following purposes: (1) preventing or detecting crime; (2) preventing disorder; (3) in the interests of public safety; and (4) protecting public health.
- It complies with any additional conditions imposed by the Secretary of State under RIPA. From 1 November 2012 this means that the Council's use of RIPA is restricted to the following offences:
 - An offence punishable by a maximum term of at least 6 months of imprisonment;
 - An offence under section 146 of the Licensing Act 2003 (sale of alcohol to children);
 - An offence under section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children);

- An offence under section 147A of the Licensing Act 2003 (persistently selling alcohol to children); or
- An offence under section 7 of the Children and Young Persons Act 1933 (sale of tobacco etc. to persons under eighteen).

4.3. Having regard to the permitted purposes and to the requirements in the Council's Enforcement Policy that enforcement action should be targeted (to the Council's stated objectives), the Council's current priorities for the use of RIPA are –

- Anti-social behaviour
- Fly-tipping
- Unlawful street vending of DVDs and tobacco
- Underage sales of knives, tobacco, alcohol and fireworks
- Fraud, including misuse of disabled parking badges and claims for housing benefit
- Illegal money-lending and related offending.
- All licence breaches.
- Touting.

5. Authorisations

5.1. Prior to a CHIS being used RIPA provides that the use must be –

- First, authorised by the Council's authorising officer as defined in section 2 of this Policy.
- Secondly, approved by a justice of the peace.

5.2. A CHIS can only be used where it is for the purpose of preventing or detecting crime or of preventing disorder and where it relates to an offence of the kind specified in paragraph 4.2 above. The authorisation and approval ensure that the use of the CHIS is both necessary and

proportionate as well as limiting any potential collateral intrusion. Further the authorisation and approval will need to consider whether confidential information is likely to be obtained as a result of the use of a CHIS.

- 5.3. There is a Code of Practice that has been issued by the Secretary of State relating to the use of a CHIS and this came into force on 6th April 2010.
- 5.4. The Council is committed to only using covert human intelligence sources in accordance with RIPA and any Code of Practice issued by the Secretary of State. The Council has adopted a guidance manual to assist officers to only make applications and grant authorisations in accordance with RIPA and the Code.
- 5.5. Requests to undertake covert human intelligence sources must be authorised by the Council's authorising officer as defined in section 2 of this Policy. No authorisation is to be granted unless both the authorising officer and the Assistant Chief Executive (Legal Services) are satisfied that the officers proposed as controller, handler and record-keeper have had sufficient training. The Council may as an alternative work in partnership with police, so that the police rather than the Council control any covert human intelligence source who may be required for one of the Council's investigations.
- 5.6. All authorisations are required to have a Unique Reference Number ("URN") and the officer seeking the authorisation must obtain the URN from Legal Services prior to seeking authorisation and the authorising officer is not to authorise that authorisation unless a URN has been provided.

- 5.7. The Council is committed to achieving a consistent high standard in applications for authorisation to conduct directed surveillance. All applications must first be submitted to the Council's gatekeeper as specified in section 2 of this Policy. Only when the gatekeeper has cleared the application may the authorised officer consider it.
- 5.8. The Council will not permit the authorisation of a CHIS who is under the age of 18.
- 5.9. After the Council's authorising officer has authorised the directed surveillance, the authorising officer must immediately notify the HLS or nominee who will update the central record and make the necessary court application to obtain approval from a justice of the peace. No investigation may commence unless and until a justice's approval has been obtained.

6. Reviews/Cancellations

- 6.1 An authorisation for use of a CHIS lasts for a maximum of 12 months before having to be renewed. When authorising the use of a CHIS the authorising officer is required to set a date for review of that authorisation. This is known as the first review. The Code of Practice requires regular reviews be undertaken by the authorising officer to assess the continuing need for the use of the CHIS.
- 6.2 The frequency of reviews must be considered at the outset by the authorising officer as frequently as is considered necessary and practicable on a case by case basis. In any event, the authorising officer must set a first review date when granting the authorisation.
- 6.3 If after the first review the authorising officer considers that the use of the CHIS is to continue then s/he will be required to set a further date

of review. Again, this assessment will be on a case by case basis and in a time that is considered necessary and practicable.

- 6.4 If on the review, however, the authorising officer is satisfied that the authorisation is no longer necessary on the ground under which it was granted or renewed or it is no longer proportionate to what is sought to be achieved then the authorising officer must request that the authorisation be cancelled and the CHIS no longer used under that authorisation.
- 6.5 It should be stressed that authorisations for the use of a CHIS must be cancelled. They cannot and must not be allowed to just lapse.

7. Training

- 7.1 Authorising officers can only authorise once they have undertaken training on the operation of RIPA and the Code of Practice. The Council's gatekeepers may only clear applications for consideration by the authorising officer after undertaking the same training as the authorising officers.
- 7.2 Officers may only undertake the roles of controller, handler, or record-keeper if they have undertaken training in the discharge of those roles. If there are no officers who have been trained to the satisfaction of the authorising officer and the Assistant Chief Executive (Legal Services), then the Council will not use covert human intelligence sources.
- 7.3 All officers who may seek to use covert human intelligence sources during an investigation must also have undertaken training on the operation of RIPA and the Code of Practice.

7.4 The Council will arrange appropriate training courses at regular intervals. It is expected that members of the Corporate Management Team will require authorising officers, gatekeepers and those who may apply to conduct directed surveillance to undertake the training.

8. Controller/Handler/Record Keeper

8.1 Where the use of a CHIS is authorised then section 29(5)(a) of RIPA requires the Council to have at all times a person holding a position with the Council who will have day-to-day responsibility for dealing with the source (“the handler”). This will not be the officer seeking authorisation but will be the responsibility of the person who supervises the investigation.

8.2 Further, section 29(5)(b) of RIPA requires the Council to have at all times another person holding a position with the Council who will have general oversight of the use made of the source (“the controller”). The controller is the officer responsible for the general oversight of the use of the source. . . . The controller will be the Service Manager for the Service in which the officer seeking the authorisation is based so that the Service Manager will be the controller and will be the person managing the handler.

8.3 Although an authorising officer can also act as the controller of a source, the Council will not permit an authorising officer to be responsible for authorising their own activities, e.g. those in which they, themselves, are to act as the source or in tasking the source. Therefore if the authorising officer would be the Service Manager for the handler then a Service Manager of the same level from another Service will be the controller.

- 8.4 Additionally, section 29(5)(c) of RIPA requires the Council to have at all times a person holding a position with the Council who will have responsibility for maintaining a record of the use made of the CHIS. This will be the Service Head (i.e. the Service Manager's manager) responsible for the service area using the covert human intelligence source. If the service area falls within the authorising officer's responsibility, then the Corporate Director Communities, Localities and Culture must maintain the record.
- 8.5 Guidance suggests that a local authority may prefer to seek the assistance of the police to manage its CHIS. In such a case a written protocol between the parties should be produced in order to ensure that an identified CHIS is properly managed. Without such an agreement the local authority must be capable of fulfilling its statutory responsibilities. Where the CHIS is not a Council Officer then the intention is to seek assistance of the police. Where the CHIS is a Council Officer then prior to the authorisation being sought the investigating officer must give consideration to seeking the assistance of the Police and if it is decided not to then justification for that decision must be included within the risk assessment for the use of the CHIS.

9. Combined Authorisations

- 9.1. From time to time, it may well be that the use of a CHIS involves directed surveillance. If it does then the directed surveillance must also be authorised. A single authorisation can combine the two, however, and this should be done on the application form used for the authorisation of the CHIS.

10. Security of Covert Technical Equipment

10.1. The Council requires each Service that uses covert technical equipment when undertaking surveillance to ensure that such equipment is securely locked away when not used. Further, such equipment will only be issued to an officer who has authorisation to use it. There will be a logging in and out book and the officer will be required to sign for the equipment. In signing for the equipment, the officer will be reminded that misuse of the equipment is a disciplinary offence.

11. Member Oversight

11.1. The Council's Standards Committee will review this Policy and the Council's use of covert human intelligence sources. If issues arise, the Standards Committee will make recommendations to Cabinet for action.

12. Central Recording

12.1. The Council is required to keep records in relation to authorisations centrally. Those records will be maintained by Legal Services.

12.2. The relevant authorising officer must provide copies of all authorisations and all reviews, renewals and cancellations to the ACE, the HLS, or a person nominated by either of them. The authorisation officer must provide those documents forthwith after following signing by the authorising officer.

12.3. All officers are expected to use the most up to date versions of forms recommended by the Home Office.

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Agenda Item 9.1

Committee/Meeting: Cabinet	Date: 3 rd October 2012	Classification: Unrestricted	Report No: (CAB 042/123)
Report of: Corporate Director of Adults Health and Wellbeing Originating officer(s) Deborah Cohen; Service Head Commissioning and Strategy		Title: Modernising Learning Disability Day Opportunities: Contract Award Wards Affected: All	

Lead Member	Adults Health and Wellbeing
Community Plan Theme	A Healthy and Supportive Community
Strategic Priority	Strategic Partnerships and Better Procurement Enabling People to Live Independently

1. **SUMMARY**

1.1 This report is to confirm the progress on the delivery of the modernisation programme for Learning Disability Day Opportunities agreed by Cabinet on 8th February 2012 and to ask that Cabinet approve the award of the contracts as set out below.

1.2 The Council has undertaken three competitive tender exercises to select suppliers for the delivery of Learning Disability Day Opportunities in Tower Hamlets.

§ **Complex and High Needs Service** for service users with profound, multiple learning disabilities. This is a block contract arrangement to support 15 individuals with complex multiple needs.

§ **Supported Employment, Training and Social Enterprise Service** supporting the training and employment pathway for individuals with learning disabilities, linking with transition, volunteering opportunities and the continued development and support of the social enterprise project. This will be a block contract arrangement.

§ **Community Hub Preferred Provider List** from which individual packages of day opportunity support packages will be commissioned on a spot-purchased basis. All providers who score above 60 percent in the scoring exercise will be put onto the list. The preferred provider list will be in place for three years, although it is proposed to open the list at the end of year 1 and to allow other providers who meet the bar to go onto the list.

1.3 This report sets out the process followed for each of the three competitive tender exercises, including the evaluation criteria used. The report recommends awarding three year block contracts to two providers and the inclusion of four providers onto the Community Hub Preferred Provider List on spot arrangement.

2. **DECISIONS REQUIRED**

The Mayor in Cabinet is recommended to:-

- 2.1 Approve the award of block contracts, for a three-year period from the date of contract award, for the provision of the Complex and High Needs Service and for the Supported Employment, Training and Social Enterprise Service.
- 2.2 Approve the award of contracts, for a three-year period for the Community Hub Preferred Provider list from the date of contract award subject to an annual review as part of the evaluation exercise.

1. Contract 4220 Complex and High Needs Service (Block)
Supplier
1.
2. Contract 4221: Supported Employment, Training and Social Enterprise (Block)
Supplier
1.
3. Contract 4179: Community Hubs – Preferred Provider List (Spot)
Suppliers (in order of score rating)
1.
2.
3.
4.

2.3 Whilst this is a part B service for the purposes of the relevant European Union and UK Legislation on competition, good practice dictates that contract award cannot be confirmed until conclusion of a standstill period, which is 10 days from the date that the intention to award contracts is

- communicated to bidders to allow for settling challenges from unsuccessful bidders.
- 2.4 Authorise the Assistant Chief Executive (Legal Services) to execute all necessary documents to implement the decisions at paragraphs 2.1 and 2.2 above

3. REASONS FOR THE DECISIONS

- 3.1 The modernisation programme supports the Council's lean, flexible and citizen-centered agenda. The proposed changes support:
- § Offering everyone in receipt of a service a personal budget to maximise their choice over what day opportunities they purchase; and
 - § Moving from expensive services in large outdated premises to new community hubs whilst delivering on agreed efficiency targets.
- 3.2 The aim of the programme is to improve the quality of experience for people with a learning disability in a way that maximises the opportunities and potential of everyone living in the Borough, whilst also ensuring services are offering real value for money. Currently, many of our services are delivered within a 'one size fits all', building-based model with limited flexibility to meet the goals and aspirations of individuals.
- 3.3 Modernisation will move services away from building based 'traditional day centres' to the provision of a wide range of services that people with a learning disability can access using their personal budgets. This will include specialist services where appropriate but also mainstream services within the wider community. The outcome will be putting in place a 'Community Hub' model to maximise the effectiveness and efficiency of services - *making use of all available local resources to benefit local people.*
- 3.4 The modernisation project supports (i) Transformation of Adult Social Care ('*Putting People First*' and '*Valuing People Now*'); (ii) the rebalancing of services toward prevention and early intervention; (iii) supporting individuals to live as independently as possible; and (iv) driving up efficiency and effectiveness in the use of resources.
- 3.5 Cabinet is asked to approve the recommended award of contracts in order that the Council can progress with mobilising the new contracts and supporting one (x x) transfer of responsibility from current suppliers to the proposed new suppliers where TUPE applies.

4. ALTERNATIVE OPTIONS

- 4.1 Most current contracts were let in 2004 for an initial three year period and extended on an annual basis since the expiry of this initial term. Continuing to contract with existing suppliers without undertaking any form of competitive tendering would therefore place the Council at increasing risk of challenge in relation both to EU and UK competition law and to the duty to

ensure Best Value. This option was therefore deemed unsustainable prior to the commencement of the current competitive processes.

- 4.2 Cabinet could instruct officers to terminate one or both tender processes prior to contract award, and to retender on the basis of a different service specification and bid evaluation methodology. This would be likely to lead to disputation with bidders and is not recommended. It should also be noted that particular care has been taken to ensure that the service specification and evaluation criteria for both tenders balance the delivery of high quality care, the achievement of best value and the delivery of benefit to local communities. For these reasons it is recommended that this option be accepted as being unsustainable.

5. BACKGROUND

- 5.1 The Council's Adult Social Care functions operate within a complex legislative legal framework that places on the Council a range of duties and powers. Central to these duties and powers is the statutory requirement to provide community care services to meet eligible assessed need following an assessment of need undertaken within the terms of the national Fair Access to Care policy framework.
- 5.2 The provision of day opportunities is central to meeting this statutory duty to meet eligible assessed need.
- 5.3 Most of the current contracts for Learning Disability Day Opportunities were let in 2004 following a previous competitive process. Although these services are 'Part B' services for the purposes of the UK's Public Contracts Regulations 2006, and not therefore subject to the full force of these regulations, there remains a requirement under the law that such services be subject to regular competitive testing to ensure continuing Best Value.
- 5.4 Additionally, the Learning Disability Modernisation Programmes contributes to the Council's Vision and that of Tower Hamlets Partnership to increase the quality of life for everyone living and working in Tower Hamlets. It delivers specifically against the key priority of the Single Equality Framework (2011-13): *Access to Services for People with Learning Disabilities*.

6. BODY OF REPORT

- 6.1 The procurement route plan, as agreed by Cabinet on 8th February 2012, was to establish a 'preferred provider list' to deliver community hubs in light of all service users being offered a personal budget. High and complex needs, autism, and employment services would be re-tendered as block contracts. Efficiencies were to be achieved through re-tendering, reduction in current spot purchase rates and service users becoming more independent and less reliant on care packages. The model of service for the Autism Service will be determined at a later date through the work being undertaken through the Autism Strategy.

- 6.2 The community hub model is often described as a day service without walls. The hubs will use a network of local resources including mainstream services and centres to support community based activities rather than providing a limited range of services in a specialist day centre. This will mean offering a more fluid model where people have access to leisure facilities, sporting, educational and work opportunities and the chance to mix within the local community.
- 6.3 Buildings used for community hubs will have space for modern changing/toilet facilities, meetings/lounge areas, small private office space, front desk for community information/activity referral/booking and social enterprise such as a community cafe or art gallery on site. The hubs will be used as the information launch pad into other mainstream community activities already established across Idea Stores, Leisure Centres and local clubs.
- 6.4 Current contracts were extended for 12 months to 31st March 2013 to allow time for procurement to take place following Cabinet consideration and the tendering process. Notices to existing providers on existing terms and conditions have been served as part of the procurement process. A number of explicit and detailed presentations and briefings have taken place from March 2012 to date to outline to existing and interested providers the tendering process, expectations and timelines.
- 6.5 The two tenders for block contracts are being undertaken using a standard restricted tender process. Bidders were invited to express an interest in the tender and, as a first stage, required to complete and return a pre-qualification questionnaire (PQQ), which was then evaluated against published criteria by a panel of three people with expertise in commissioning including a commissioning lead from NHS for the complex and high needs service. The PQQ templates are included with this report as Appendix 1 (*Learning Disability Day Opportunities – Complex and High Needs*) and Appendix 2 (*Learning Disability Day Opportunities – Supported Employment, Training and Social Enterprise Service*)
- 6.6 For the block tenders, 26 PQQs were received for *the Complex and High Needs Service* and 24 for the *Supported Employment, Training and Social Enterprise Service*. For both, all providers scoring over 70% were invited to tender (ITT). This equated to seven for the *Complex and High Needs Service* and eight for the *Supported Employment, Training and Social Enterprise Service*.
- 6.7 The same evaluation panel has evaluated the PQQ's and ITTs. There were six returns from *the Complex and High Needs Service*, of which the ITT had noted the four highest scoring bidders who were called for presentation. The presentations took place on 4th September 2012. The overall evaluation score at ITT was determined on the basis of a weighting of 55% for quality and innovation and 45% on price (as outlined in the method statement - Appendix 3). Bidders were requested to submit a pricing schedule/service budget for services.

- 6.8 There were four returns from the *Supported Employment, Training and Social Enterprise Service*. The Method Statement is attached at Appendix 4. The ITT stated the highest scoring four would be called for presentation and a presentation took place on the 5th September 2012.
- 6.9 The tender evaluation scores for the bidders were re-calculated to represent 90% of the final evaluation score, with the score from the final presentation stage making up the remaining 10%, giving a final evaluation score.
- 6.10 The third competitive tender allows for the setting up of a *Preferred Provider List for Community Hubs* from which individual packages of Day Opportunities will be commissioned on a spot-purchased basis. Again the evaluation panel consisted of three people with expertise in commissioning in adults health and social care.
- 6.11 The tender for the *Community Hub Preferred Provider List* was undertaken using an open tender process, which means that no Pre-qualification stage was undertaken. Bidders were invited to tender immediately on expressing an interest in the tender opportunity. A range of questions that would normally be included in a pre-qualification questionnaire, relating to financial sustainability, mandatory and discretionary grounds for rejection, health and safety and other governance related issues, were included as an annex to the tender method statement.
- 6.12 Ten tender submissions were submitted and evaluated against the method statement (Appendix 5) equating 55% for Quality and Innovation and 45% for pricing as reviewed from pricing schedules submitted. Following this evaluation, the submitted bids were ranked and the most competitive bids identified based on a "pass/fail" of having to achieve a scoring of above 60 percent to be put onto the list. All contracts include the requirement to pay the London Living Wage and this requirement was clearly part of all the adverts that went out with the tenders and is included as a requirement in the pricing schedule for each service. Specific question in the PQQ and ITT for all tenders was asked: "what part will the employment of local people play in your approach to ensuring the delivery of sensitive and appropriate services to the diverse communities in the Borough?"
- 6.12 Where there are existing providers who do not score highly enough to be included on the preferred provider list, current service users, if they wish to remain with this provider, can access the service by taking a direct payment (as long as there are no risk issues) but we will not pay above the rate we have set out in the service specification.
- 6.13 An opportunity to apply again or new providers bidding to get onto the preferred provider list for community hubs will be made available in a year's time when it is put out to market.
- 6.14 There has been and are further scheduled contract mobilisation and communication meetings in place with CLDS and ART/Brokerage leads which will focus on ensuring any decision agreed is communicated and supported to service providers and service users. This will include holding meetings with service providers, service users and carers to ensure any changes are

communicated along with choices and impact. It is also to support and ensure a smooth transition for providers and users as required.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 Following approval of the modernisation programme for Learning Disability Day Opportunities by Cabinet on 8th February 2012 the Council has undertaken three competitive tender exercises (see section 1.2) to select new suppliers for the delivery of Learning Disability Day Opportunities in Tower Hamlets.
- 7.2 As per section two of the report, Cabinet is recommended to approve three year block contracts for the provision of the Complex and High Needs Service and for the Supported Employment, Training and Social Enterprise Service.
- 7.3 Cabinet is also recommended to approve a preferred provider list for Community Hubs which will run for three years from the date of contract award. This will allow individual packages of Day Opportunities to be commissioned on a spot-purchased basis and support personal budgets.
- 7.4 The financial commitments arising from these new contractual arrangements will be funded through existing general fund resources.
- 7.5 Further, as part of the 2011/12 budget setting process, Council agreed to efficiencies of £1.4m to be delivered through the modernisation programme for Learning Disability Day Opportunities. The profiled savings agreed were £200k in 2011/12, £600k in 2012/13 and £600k in 2013/14.
- 7.6 Approval of the three contractual arrangements detailed in this paper is required to support the achievement of these efficiency targets and will ensure best value for money for the authority.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1 The National Assistance Act, 1948 (S29) gives local authorities the power to make arrangements to promote the welfare of permanently handicapped people.
- 8.2 Section 29, has been amended and there is now an obligation upon the local authority to ascertain how many people in its area fall within its remit, the care they require and to provide that care.
- 8.3 These duties were then expanded by the Health Services and Public Health Act 1968 that obliged local authorities to make arrangements to promote the welfare of old people and permitted the use of the voluntary and commercial sector in doing so.

- 8.4 Section 117 of the Mental Health Act 1983, requires local authorities and health authorities to provide after care support and services to persons who had been detained under the provisions of the Act, or who would have been detained, but were considered able to function in the community.
- 8.5 In discharging the functions described in this report Section 3 of the Local Government Act 1999 requires best value authorities, including the Council, to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”.
- 8.6 Most health and social care services covered in the Market position Statement are for Part B services which are the non-priority services of limited cross border interest set out in Schedule 3 of the Public Contract Regulations 2006 and therefore the provisions of those regulations do not apply.
- 8.7 However the Council does need to take into account the EU principles of proportionality, mutual recognition, transparency, non-discrimination and equal treatment by virtue of the Treaty on the Functioning of the European Union. In 1998 this was been interpreted by the European Court of Justice as requiring a “degree of advertising sufficient to enable the market to be opened up to competition”.
- 8.8 Also in undertaking any procurement the Council should have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't.

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 The Service Specifications for the commissioned Learning Disability Day Opportunities have been developed to ensure that they comply fully with the *Equality Act 2010*. A wide range of recent consultations with various groups who share a protected characteristic have been undertaken by the Council. The relevant results from these consultations have helped to inform the content of the specifications.
- 9.2 The Service Specifications includes a range of measures to ensure that providers delivering services at all times have due regard to the need to deliver those services in ways which avoid inequality of opportunity. In particular, issues of language and communication, cultural and religious sensitivity, age and disability are explicitly addressed throughout the specification.
- 9.3 The evaluation criteria for each of the tender processes have significant emphasis on the following:

- § Providing a sensitive and appropriate services to diverse communities across the borough
- § Adding value by making a contribution to local communities
- § Working in partnership at local levels to deliver better overall outcomes for the communities served; and
- § Supporting local employment and skills development.

9.4 The Equalities Impact Assessment (EqIA) was completed at the start of the project and updates provided thereafter. The EqIA recognised that the modernising of services will affect some of the most vulnerable people living in LBTH. It was completed with input from the Adults, Health and Wellbeing Departmental Equalities Focus Group and Head of Scrutiny and Equalities. The EqIA had an action plan in place to ensure the modernisation programme does not adversely impact upon anyone with a learning disability regardless of their race, disability, age, gender, socio-economic status, sexual orientation, religion or belief. The EqIA also has a number of actions in place to ensure the views of parents and carers of people with a learning disability are taken into account and they are not adversely impacted upon as part of the modernisation process.

9.5 Specifically, during 2011/12 the Project Team for the modernisation programme linked up with colleagues in the One Tower Hamlets Team to facilitate working across the Council and local NHS as well as with community and faith organisations. This included a range of service user and carers feedback and consultations events, followed up in 2012 with a range of presentations including at the Pan Provider event (March 2012), focused workshops through London Muslim Centre for service users and carers, provider briefing event and briefing documents. The procurement process was extended to enable questions and answers through the procurement portal. The Service Specification was developed with input from health and operation colleagues. Briefings were provided to support discussions with service users and carers. Updates have also been provided at the Learning Disabilities Partnership Board and the Big Health Check-up Day (June 2012) attended primarily by service users.

9.10 A communication and mobilisation programme is in progress linking the Community Learning Disabilities Service, Brokerage, Strategic Commissioning and Health to make sure the appropriate information, clarity and support is provided to all stakeholders enabling the successful transition and delivery of this programme.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.1 Paralleling this workstream, officers are working with travel trainers to ensure that service users who have capacity for travel training are supported in accessing their providers. Not only does this have the advantage of enabling our service users to maximise their independence but the use of

public transport together with TfLs commitment to cleaner fuel, contributes to a greener environment

11. RISK MANAGEMENT IMPLICATIONS

11.1 The Service Specification against which both tenders were evaluated, and which forms part of the terms and conditions of contract, has a range of measures contained within it to manage risk, including requirements relating to workforce competence and safeguarding.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

12.1 There are no specific crime and disorder implications arising from the award of the contracts set out in this report.

13. EFFICIENCY STATEMENT

13.1 This model for the modernisation of Day Opportunities for people with Learning Disabilities will significantly increase the range and quality of services, whilst having the added benefit of reducing current high cost services.

14. APPENDICES

Appendix 1 - Pre-qualification Questionnaire – Learning Disability Day Opportunities : Complex and High Needs

Appendix 2 – Pre-qualification Questionnaire – Learning Disability Day Opportunities: Supported Employment and Social Enterprise

Appendix 3 - Method Statement – Learning Disability Day Opportunities: Complex and High Needs

Appendix 4 – Method Statement – Learning Disability Day Opportunities: Supported Employment and Social Enterprise

Appendix 5 - Method Statement – Learning Disability Community Hub Preferred Provider List

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
------------------------------------------	---------------------------------------------------------------------------

None	N/A
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LONDON BOROUGH OF TOWER HAMLETS
PRE-QUALIFICATION QUESTIONNAIRE (PQQ)

Published On: 14th May 2012

Deadline for Return

Date: 11th June 2012
Time: 12 Noon

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PRE QUALIFICATION QUESTIONNAIRE

Summary of Requirement

The Council intends letting a contract for the provision of **AWHB4200 Learning Disability Day Opportunities - Complex and High Needs Service**.

INSTRUCTIONS FOR COMPLETING THE QUESTIONNAIRE

- 1 Please answer every question. Many procurements generate a great deal of interest from potential suppliers, so please ensure that you complete the questionnaire as requested. Failure to do so may result in your application being disqualified. If the question does not apply to you please write N/A; if you don't know the answer please write N/K.
- 2 Please complete the questionnaire specifically for your organisation, not for the group if you are part of a group of companies.
- 3 Please include, where requested, any supporting documents, marking clearly on all enclosures the name of your organisation and the number of the question to which they refer. Excess information such as corporate brochures, attachment not requested for, and pictures must not be submitted / inserted in your completed PQQ. This may result in your application being rejected.
- 4 Please return this PQQ using the Council's e-tendering system – hard or email copies **will not be accepted**. **All submissions must be returned in exactly the same format as issued**.
- 5 In some circumstances contract funding dictates specific previous experience and/ or qualifications, if you can not provide evidence of said requirement, we will **NOT** be able to consider your application. This requirement will be highlighted where applicable.
- 6 For the purposes of this questionnaire the term "Authority" means the purchasing organisation that is seeking to award a contract. "Organisation" covers Sole Traders, Partnerships, Co-operatives, Public Limited Companies, Private Limited Companies and Voluntary Organisations. "You" / "Your" or "Potential Provider" means the business or company which is completing this PQQ.
- 7 **Verification of Information Provided:**



7.1 The higher the risk of the procurement, the higher the level of verification is likely to be required. Not all questions require supporting documents up front at this stage. **However, the authority may ask to see these documents at a later stage, so it is advisable you ensure they can be made available upon request.** You may also be asked to clarify your answers or provide more details about certain issues.

8 Sub Contracting Arrangements

8.1 Where a sub-contracting approach is proposed, all information requested should be given in respect of the prime contractor. Where sub-contractors will play a significant role in the delivery of the services or products under any ensuing contract, please indicate in a separate annex (by inserting the relevant company/organisation name) the composition of the supply chain, indicating which member of the supply chain will be responsible for the elements of the requirement.

It is recognised that arrangements in relation to sub-contracting may be subject to future change. However, Potential Providers should be aware that where sub-contractors are to play a significant role, any changes to those sub-contracting arrangements may constitute a material change and therefore may affect the ability of the Potential Provider to proceed with the procurement process or to provide the goods and/or services.

9 Consortia Arrangements

9.1 If the Potential Provider bidding for a requirement is a consortium, the following information must be provided:

- full details of the consortium; and
- the information sought in this PQQ in respect of each of the consortium's constituent members which must be submitted with the lead bidders response.

Potential Providers should provide details of the actual or proposed percentage shareholding of the constituent members within the consortium in a separate Annex. If a consortium is not proposing to form a corporate entity, full details of alternative proposed arrangements should be provided in the Annex.

The Authority recognises that arrangements in relation to consortia may (within limits) be subject to future change. Potential Providers should therefore respond in the light of the arrangements as currently envisaged. Potential Providers are reminded that any future proposed change in relation to consortia must be notified to the Authority so that it can make a further assessment by applying the selection criteria to the new information provided.

9.2 Where the proposed prime bidders are a special purpose vehicle or holding company, the information should be provided of the extent to which it will call upon the resources and expertise of its members.

10 Communications



Pre-Qualification Questionnaire

10.1 All questions and queries about the procurement procedure must be submitted via the **question and answer facility on the Councils e-tendering system** – https://www.londontenders.org/procontract/supplier.nsf/frm_home?openForm

11 **Indicative Timetable** - These dates are indicative and are subject to change.

Procurement Stage	Date
Issue PQQ by	14th May 2012
Return Completed PQQ	11th June 2012
Completion of PQQ Evaluations by	22 nd June 2012
Notify respondees of evaluation outcome by	25 th June 2012
Issue Invitation to Tender	25 th June 2012

12 **Return of Pre-Qualification Questionnaire**

12.1 Completed questionnaire with all supporting documentation (where requested) must be uploaded by;

Date:	11th June 2012
Time:	12 noon
Via:	https://www.londontenders.org/procontract/supplier.nsf/frm_home?openForm

Please return the questionnaire **ON TIME**; it is **your responsibility** to ensure the submission is received **on time**. Any response received after the deadline will **not be considered**.

13 **Contracted Lots**



If you are tendering for a contract with more than one Lot, please state which Lots you wish to apply for.	
Lot 1	<input type="checkbox"/>
Lot 2	<input type="checkbox"/>

14 Evaluation and Selection

14.1 The objective of the selection process is to assess the responses to this questionnaire and select organisations to proceed to the next stage of the procurement process.

14.2 Selection criteria will be a combination of both financial and non-financial factors and will consider-;

Section A is for information only and will not be scored, but require completion

14.2.1 Grounds for mandatory and discretionary rejection. **Sections B = PASS / FAIL** Bidders who fail this section will be excluded from further consideration in the procurement process.

14.2.2 Economic and financial standing **sections C of the questionnaire**. The Council will use the information provided to carry out an appraisal of the Applicant's financial position and therefore determine the level of risk that it would represent to the Council. This will involve independent financial checks. This section will be assessed as a **PASS / FAIL**. Bidders who fail this section will be excluded from further consideration in the procurement process.

14.2.3 Equality & Diversity **section D =Pass / Fail**

14.2.4 Health & Safety **Section E = Pass / Fail**

In sections D and E please note that if your organisation has had a judgement, prosecution or prohibition notices against it which has not been rectified, your organisation may be excluded from the procurement process

14.2.5 Organisation's ability and capacity – assessment of the totality of resources, core competencies available to the contractor **section F = 100%**



A. INFORMATION ABOUT YOUR ORGANISATION

A1.	Full name of organisation tendering (or of organisation acting as lead contact where a consortium bid is being submitted)	
	Registered Office	
	Company or Charity registration number	
	Date of Company registration	
	VAT registration number	
	Name of immediate parent company	
	Name of ultimate parent company	
	Type of organisation Please state Are you a sole trader, partnership, private limited company, public limited company, co-operative, voluntary organisation or other? (Please specify).	
A2.	CONTACT DETAILS	
	Name	
	Address	
	Post Code	
	Country	
	Phone	
	Email	



A3. Consortia and Sub-Contracting	Yes	N/A
(i) Your organisation is bidding to provide the services required itself	<input type="checkbox"/>	<input type="checkbox"/>
(ii) Your organisation is bidding in the role of Prime Contractor and intends to use third parties to provide some services	<input type="checkbox"/>	<input type="checkbox"/>
(iii) The Potential Provider is a consortium	<input type="checkbox"/>	<input type="checkbox"/>
If you answer YES to either (ii) or (iii) please indicate in a separate annex (by inserting the relevant company/organisation name) the composition of the supply chain, indicating which member of the supply chain (which may include the Potential Provider solely or together with other providers) will be responsible for the elements of the requirement. (See paragraph 8 & 9 above)		
Annexes Enclosed?	<input type="checkbox"/>	<input type="checkbox"/>

A4. QUESTIONS A4 (i) and A4 (ii) FOR COMPLETION BY NON-JK BUSINESSES ONLY	
(i) Registration with professional body Is your business registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annexes IX A-C of Directive 2004/18/EC) under the conditions laid down by that member state).	
(ii) Is it a legal requirement in the State where you are established for you to be licensed or member of a relevant organisation in order to provide the requirement in this procurement? If yes, please provide details of what is required and confirm that you have complied with this.	

A5. It is mandatory for all contractors intending to do business with the Council to comply with its Ethical Governance Protocol. View the Council's Ethical Policy here . Can you confirm if your organisation will comply with this protocol? If not, what plans does your organisation have to achieve compliance?	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>



Pre-Qualification Questionnaire

<p>A6.</p>	<p>Has your organisation ever had fees or other payments withheld as a consequence of failure to perform, negligence for services or suffered a deduction for liquidated and/or ascertained damages in respect of any contract within the last three years? If yes, please give details.</p>	<p>Yes</p>	<p>No</p>
		<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>A7.</p>	<p>Has your organisation ever had a contract terminated under the terms of a contract or withdrawn from a contract before the end of the contract period within the last three years? If yes, please give details.</p>	<p>Yes</p>	<p>No</p>
		<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>A8.</p>	<p>Has your organisation ever suffered the non-renewal of a contract due to a failure to perform to the terms of that contract? If yes, please give details.</p>	<p>Yes</p>	<p>No</p>
		<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>A9.</p>	<p>Has your organisation ever been subjected to Court/Legal/Arbitration action as a result of any works/services by or on behalf of your organisation? If yes, please give details.</p>	<p>Yes</p>	<p>No</p>
		<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>A10.</p>	<p>Has your organisation met all obligations relating to payment of taxes and social security, under the law of any part of the United Kingdom or countries in which the organisation is established, been fulfilled. If No, please give details. Including when they will be up to date before the contract start date.</p>	<p>Yes</p>	<p>No</p>
		<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>A11.</p>	<p>Has any Director, Partner, Trustee Associate or employee been employed by this Council in the last three years? (If yes, give names, dates of employment and job titles)</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>



A12.	Does any of the Director, Partner or Associate have a relative(s) who is employed by the Council at a Senior level or who is a Councillor? (If yes, give names, dates of employment and job titles)	<input type="checkbox"/>	<input type="checkbox"/>
A13.	Please state the names of Directors, Partners, Trustees or Associates of your organisation who have any involvement in other organisations who provide services to the Council.	<input type="checkbox"/>	<input type="checkbox"/>

B. GROUNDS FOR MANDATORY AND DISCRETIONARY REJECTION

B1 - Grounds for mandatory rejection

Important Notice:

In some circumstances the Authority is required by law to exclude you from participating further in a procurement process. If you cannot answer 'no' to every question in this section it is very unlikely that your application will be accepted, and you should contact us for advice before completing this form. See the Public Contracts Regulation 2006, Regulation 23.

Please state 'Yes' or 'No' to each question.

B1.	Has your organisation or any directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?	Yes	No
(i)	conspiracy within the meaning of section 1 of the Criminal Law Act 1977 where that conspiracy relates to participation in a criminal organisation as defined in Article 2(1) of Council Joint Action 98/733/JHA (as amended);	<input type="checkbox"/>	<input type="checkbox"/>
(ii)	An offence under the Bribery Act 2010	<input type="checkbox"/>	<input type="checkbox"/>
(iii)	the offence of bribery;	<input type="checkbox"/>	<input type="checkbox"/>
(iv)	fraud, where the offence relates to fraud affecting the financial interests of the European Communities as defined by Article 1 of the Convention relating to the protection of the financial interests of the European Union, within the meaning	<input type="checkbox"/>	<input type="checkbox"/>



Pre-Qualification Questionnaire

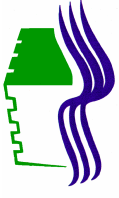
	of:			
(iv.1)	the offence of cheating the Revenue;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv.2)	the offence of conspiracy to defraud;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv.3)	fraud or theft within the meaning of the Theft Act 1968 and the Theft Act 1978;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv.4)	fraudulent trading within the meaning of section 458 of the Companies Act 1985 or section 993 of the Companies Act 2006;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv.5)	defrauding the Customs within the meaning of the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv.6)	an offence in connection with taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv.7)	destroying, defacing or concealing of documents or procuring the extension of a valuable security within the meaning of section 20 of the Theft Act 1968;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(v)	money laundering within the meaning of the Money Laundering Regulations 2003 or Money Laundering Regulations 2007; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(vi)	any other offence within the meaning of Article 45(1) of Directive 2004/18/EC as defined by the national law of any relevant State.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B2. If your response to any of the questions in B1 is yes please provide further details below

B3 - Grounds for discretionary rejection

Important Notice

The Authority is entitled to exclude you from consideration if any of the following apply but may decide to allow you to proceed further. If you cannot answer 'no' to every question it is possible that your application might not be accepted. In the event that any of the following do apply, please set out in B4 below full details of the relevant incident and any remedial action taken subsequently. The information provided will be taken into account by the Authority in considering whether or not you will be able to proceed any further in respect of this procurement exercise.



Pre-Qualification Questionnaire

Please state 'Yes' or 'No' to each question.

	Is any of the following true of your organisation?	Yes	No
B3.1			
(i)	being an individual, i.e. sole trader is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order made against him or has made any composition or arrangement with or for the benefit of his creditors or has not made any conveyance or assignment for the benefit of his creditors or appears unable to pay or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other state;	<input type="checkbox"/>	<input type="checkbox"/>
(ii)	being a partnership constituted under Scots law, has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate; or	<input type="checkbox"/>	<input type="checkbox"/>
(iii)	being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002 has passed a resolution or is the subject of an order by the court for the company's winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, or had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part thereof or is the subject of similar procedures under the law of any other state?	<input type="checkbox"/>	<input type="checkbox"/>
B3.2	Has your organisation	<input type="checkbox"/>	<input type="checkbox"/>
(i)	been convicted of a criminal offence relating to the conduct of your business or profession;	<input type="checkbox"/>	<input type="checkbox"/>
(ii)	committed an act of grave misconduct in the course of your business or profession;	<input type="checkbox"/>	<input type="checkbox"/>
(iii)	failed to fulfil obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which you are established;	<input type="checkbox"/>	<input type="checkbox"/>
(iv)	failed to fulfil obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which you are established; or	<input type="checkbox"/>	<input type="checkbox"/>
(v)	been guilty of serious misrepresentation in providing any information required of you under Regulation 23 of	<input type="checkbox"/>	<input type="checkbox"/>



the Public Contracts Regulations 2006?	

B4.	If your response to any of the questions in B3 is yes please provide details of the relevant incident and any remedial action taken subsequently.

C. ECONOMIC AND FINANCIAL STANDING

FINANCIAL INFORMATION		Enclosed
C1.	Please provide the following set out below-;	
(i)	A copy of your audited accounts for the most recent three years to include: Balance Sheet, Profit and Loss Account, cash flow statement, full Notes to the Accounts, Director's Report/Auditor's Report. Please clearly label the files; Accounts	<input type="checkbox"/>
(ii)	If not already included in your audited accounts please provide a statement of your turnover, profit & loss account and cash flow for the most recent 3 years of trading	<input type="checkbox"/>
(iii)	Alternative means of demonstrating financial status if trading for less than a year	<input type="checkbox"/>

C2.	Please state your organisation's financial turnover (from audited accounts) for the last three years beginning with the most recent figures. If your business has not been in operation for 3 years, please provide this information since creation of the business:		
	• Year:	to	£
	• Year:	to	£
	• Year:	to	£
C3.	Please indicate your organisation's net profit (or loss) for the last 3 years beginning with the most recent figures;		



	<ul style="list-style-type: none"> • Year: to to 	: Profit	£	: Loss	£
	<ul style="list-style-type: none"> • Year: to to 	: Profit	£	: Loss	£
	<ul style="list-style-type: none"> • Year: to to 	: Profit	£	: Loss	£
C4.	Please state your organisation's assets and liabilities for the last 3 years, starting with the most recent figure:				
	<ul style="list-style-type: none"> • Year: to to 	: Assets	£	: Liabilities	£
	<ul style="list-style-type: none"> • Year: to to 	: Assets	£	: Liabilities	£
	<ul style="list-style-type: none"> • Year: to to 	: Assets	£	: Liabilities	£
C5.	Has your organisation met the terms of its banking facilities, loan agreements (if any), and obligations to pay its creditors and staff during the past year? If no, what were the reasons, and what has been done to put things right?				
				Yes	No
				<input type="checkbox"/>	<input type="checkbox"/>
C6.	Please advise of any other comments about your finances that you believe is important to your application				

C7.	INSURANCE - Please confirm that your organisation have this in place.			Yes	No
(i)	Employer's liability insurance is a legal requirement (except for businesses employing only the owner / close family members) and this should be at least £10 million.			<input type="checkbox"/>	<input type="checkbox"/>
(ii)	Public liability insurance (minimum requirement £10 million)			<input type="checkbox"/>	<input type="checkbox"/>
(iii)	Professional liability / insurance (minimum requirement £2million)			<input type="checkbox"/>	<input type="checkbox"/>
(iv)	Product liability (for use where goods are to be supplied)			<input type="checkbox"/>	<input type="checkbox"/>
	If your organisation does not have the minimum requirement as stated above, is your organisation willing to increase its insurance cover?			<input type="checkbox"/>	<input type="checkbox"/>



D. EQUALITY & DIVERSITY

Section D – Equality and Equality of Opportunity

Equalities

The Equality Act 2010 aims to eliminate unlawful racial discrimination and to advance equality of opportunity and foster good relations. The Act established a new Single Equality Duty on public authorities. This consolidates the three existing public duties on race disability and gender. Additionally it covers age sexual orientation religion or belief, pregnancy and maternity and gender reassignment. The London Borough of Tower Hamlets seeks to ensure that services, which other organisations carry out on its behalf, are carried out with the same regard for the promotion of equality and that the needs of diverse groups in our community are taken into account when designing and delivering public services.

The Council is committed to developing, promoting and delivering its services, information and employment opportunities without discriminating on the basis of a person's race, disability, age, gender, religion, sexuality or any other aspect of an individual's background or heritage which is used as justification for unfair treatment.

The Council expects that its contractors and others who deliver its services share and implement this vision and these values. All organisations wishing to provide services on Tower Hamlets' behalf must be able to demonstrate that all reasonably practicable steps are being taken to allow equal access and equal treatment in employment and service delivery for all.

Evaluating Suppliers

The Council requires suppliers to demonstrate that they comply with equality in employment legislation. We will carry out an evaluation of your Equal Opportunities Policy against a set of standard criteria.

Equalities - Standard Assessment Criteria

All suppliers must achieve the criteria listed below.

1. All suppliers must provide an equal opportunities policy in respect of race, gender and disability that covers at least:-
 - (a) Recruitment, selection, training, promotion, discipline and dismissal;
 - (b) Discrimination, harassment and victimisation, making it clear that these are disciplinary offences with the supplier;
 - (c) Identification of the senior position with responsibility for the policy and its effective implementation; and



Pre-Qualification Questionnaire

- (d) Communicating the policy to your staff;
- 2. Effective implementation of the policy in the suppliers' recruitment practices, to include open recruitment methods such as the use of job centres, careers service or press advertisements.
- 3. Regular reviews of the policy.
- 4. Regular monitoring of the numbers of job applicants from different gender, disability and ethnic groups.
- 5. Provide written instructions to managers and supervisors on equality in recruitment, selection, training, promotion, discipline and dismissal of staff.
- 6. Provide equality training for managers and any staff responsible for recruitment and selection.
- 7. Carry out monitoring on the number of employees from different gender, disability and ethnic groups by grade when:
 - (a) in post;
 - (b) applying for posts;
 - (c) taking up training and development opportunities;
 - (d) promoted;
 - (e) transferred;
 - (f) disciplined and dismissed; and
 - (g) leaving employment.
- 8. If monitoring reveals under-representation of the groups listed in 7 above what action, including positive steps, are taken to address any imbalances.
- 9. Regular reporting and consultation on equality issues within the workforce.
- 10. Mention in the supplier's recruitment advertisements and publicity literature that equal opportunities practices are in place.

Permanent Staff	
D1.	Please state the number of direct employees in your company (including Directors, Partners, full and part time



staff etc).	
-------------	--

The following questions are based on the questions and descriptions of evidence prescribed by the Secretary of State in respect of section 18(5) of the Local Government Act 1988. You are required to demonstrate compliance with equality in employment legislation through your answers to these questions and to provide supporting information when and if requested.

Part 2: Section D – Equality and Equality of Opportunity			
	Yes	No	
D2.	Does your policy embrace all of the minimum requirements set out above?	<input type="checkbox"/>	<input type="checkbox"/>
D3.	In the last three years has any finding of unlawful discrimination or other breach of equality law been made against your organisation by any court or industrial tribunal?	<input type="checkbox"/>	<input type="checkbox"/>
D4.	In the last three years has your organisation been the subject of a formal investigation by the Commission for Racial Equality, the Equal Opportunities Commission or the Disability Rights Commission on the grounds of alleged breach of equality law?	<input type="checkbox"/>	<input type="checkbox"/>
D4.1	If the answer to D3 or D4 above is yes, please provide details of what steps you took in consequence of any findings.		
D5.	Equal Opportunities Policy		
D5.1	Do you have an Equal Opportunities Policy?	<input type="checkbox"/>	<input type="checkbox"/>
D5.2	Is your policy on equal opportunities at work clearly set out and accessible to all?	<input type="checkbox"/>	<input type="checkbox"/>
D5.3	Do you provide clear written instructions on equality, in accordance with the above, to those concerned with recruitment, training and promotion and in the process of supplying your goods/services or works?	<input type="checkbox"/>	<input type="checkbox"/>
D5.4	Are your equality documents issued to all employees, unions or other representative groups?	<input type="checkbox"/>	<input type="checkbox"/>
D5.5	Do you ensure that your equalities policy is reflected in recruitment advertisements or other literature?	<input type="checkbox"/>	<input type="checkbox"/>



Pre-Qualification Questionnaire

D6.	Do you observe, as far as possible, the Commission for Racial Equality's Code of Practice for Employment, as approved by Parliament in 1983, which gives practical guidance to employers and others on the elimination of racial discrimination and the promotion of equality of opportunity in employment, including the steps that can be taken to encourage members of the ethnic minorities to apply for jobs or take up training opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
D7.	Do you foster good relations when running your business and providing services?	<input type="checkbox"/>	<input type="checkbox"/>
D8.	Is your organisation currently subject to UK legislation? If not, please supply details of your experience in working under equivalent material legislation which in your country is designed to eliminate discrimination and promote equality of opportunity?	<input type="checkbox"/>	<input type="checkbox"/>
D9.	Please confirm that your organisation has a method statement that complies with UK and European equalities legislation relating to service delivery and employment. You will be required to include a copy at tender stage to verify your response; any discrepancies could result in your tender being disqualified. The method statement should include details of: <ul style="list-style-type: none"> 1. Your organisation's equal opportunities policy; 2. Your approach to setting priorities and targets, and developing an action plan; 3. The seniority of the person who oversees effective implementation; 4. Details of how this policy is communicated to staff; 5. Details of procedures that you have to protect your staff from unlawful discrimination; 6. Training on equalities provided to staff; and 7. Your monitoring arrangements for tracking progress. 	<input type="checkbox"/>	<input type="checkbox"/>

E. Health and Safety

		Yes	No
E1.	Does your organisation have a written Health & Safety policy? (covering General Policy, Organisation and Arrangements) as required by Section 2(3) of the Health and Safety at Work Act 1974 and any codes of safe work practices. If yes please	<input type="checkbox"/>	<input type="checkbox"/>



attach a copy of the policy		<input type="checkbox"/>	<input type="checkbox"/>
E2.	Has your organisation been the subject of any prosecutions with or without charge for contravening the Health & Safety at Work Act 1974, or equivalent national legislation, and /or any formal investigation by the Health & Safety Executive or similar national body charged with supervision of health and safety standards. (10)? If yes, please give details and include what steps did you take in consequence of the prosecution / prohibition?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
E3.	Has your organisation, or a subcontractor working for you, or any of your employees, been subject to prosecution or prohibition notices by the Health and Safety Executive, or other enforcing agencies? (If yes, please give details and include what steps did you take in consequence of the prosecution)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

F. Technical and Professional Ability

(Where the Potential Provider is a special purpose vehicle and not intending to be the main provider of the goods or services, the information requested should be provided in respect of the principal intended provider of the goods or services.)

SERVICE SPECIFIC QUESTIONS

F. 1	How many staff does your organisation (including consortia members or where appropriate) employ relevant to the carrying out of services to those required under this contract? Non scoring Question
F. 2	Please provide an outline of your organisation's experience in providing services to: <ul style="list-style-type: none"> • People with complex and high support learning disabilities • People with learning disabilities requiring both health and social care support • People with learning disability with physical needs and those with none verbal communication needs
F. 3	Outline your approach and experience of delivering and working with third parties to ensure services provided encompass health



	prevention and supporting and managing the health needs of individuals accessing the service.
F. 4	How would you ensure that your workforce reflects the community served
F. 5	How would/have you ensured working with third parties, and other stakeholders such as service users, families and carers to ensure a responsive and comprehensive service is provided to meet, manage and support individuals support needs to include maintaining health, emotional and physical well being ?
F. 6	Please outline your approach to delivering personalised services, including Personal Assistant type services, that are responsive to the requirements of individual support plans.
F. 7	Please outline your approach to ensuring that all care staff employed have, or are working towards, as a minimum level 2 in Health & Social Care Diploma within the Qualification and Credit Framework (QCF). Please also tell us what proportion of your current workforce has achieved either of the aforementioned level/s?
F. 8	Please provide a copy of your organisation's Safeguarding Policy and Procedures and tell us when this was introduced and last reviewed.
F. 9	Experience and examples Please provide details of up to three contracts from either or both the public or private sector, that are relevant to the Authority's requirement. Contracts for the supply of goods or services should have been performed during the past three years. (The customer contact should be prepared to speak to the purchasing organisation to confirm the accuracy of the information provided below if we wish to contact them).

EXPERIENCE AND CONTRACT EXAMPLES

F	Please provide details of up to three contracts from either/or both the public and private sector, that are relevant to the Authority's requirement. Contracts for the supply of goods or services should have been performed during the past three years. (The customer contact should be prepared to speak to the purchasing organisation to confirm the accuracy of the information provided below if we wish to contact them).		
	Contract 1	Contract 2	Contract 3
	Customer Organisation (name):		
	Customer contact name, phone number and email:		



Contract start date:			
Contract completion date:			
Contract Value:			
Brief description of contract (max 150 words) including evidence as to your technical capability in this market.:			
If you cannot provide at least one example, please briefly explain why (100 words max):			



WHEN YOU HAVE COMPLETED THE QUESTIONNAIRE, PLEASE READ AND SIGN THE SECTION BELOW.

I/We certify that the information supplied is accurate to the best of my/our knowledge and that I/we accept the conditions and undertakings requested in the questionnaire. I/we confirm that we are willing and able to provide copies of all policies, statements and other documents referred to above, should the London Borough of Tower Hamlets/ Tower Hamlets Homes request to see them

I/We declare that to the best of my/our knowledge the answers submitted in this PQQ are correct. I/We understand that the information will be used in the process to assess the organisation's suitability to be invited to tender for the Authority's requirement and I am signing on behalf of my organisation. I/We understand that the Contracting Authority may reject this PQQ if there is a failure to answer all relevant questions fully or if I/we provide false/misleading information

I/We understand that false information could result in my/our exclusion from the selected list of Invitees.

I/We also understand that it is a criminal offence, punishable by imprisonment, to give or offer any gift or consideration whatsoever as an inducement or reward to any servant of a public body and that any such action will empower the Council to cancel any contract currently in force and will result in my/our exclusion from the Select List of Tenderers.

Name	
Post	
Signature	
Date	

Please note the term "organisation" refers to: Sole Traders, Partnerships, Co-operatives, Public Limited Companies, Private Limited Companies and Voluntary Organisations as appropriate. The undertaking should be signed by the applicant, a partner or authorised representative in her/his own name and on behalf of the organisation.

BEFORE RETURNING THIS APPLICATION FORM, PLEASE ENSURE THAT YOU HAVE:

- § Answered all questions appropriate to your application
- § Attached relevant documents (clearly marked)

LONDON BOROUGH OF TOWER HAMLETS
PRE-QUALIFICATION QUESTIONNAIRE (PQQ)

Published On: 14th May

Deadline for Return

Date: 11th June
Time: 12 Noon

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PRE QUALIFICATION QUESTIONNAIRE

Summary of Requirement

The Council intends letting a contract for the provision of Learning Disability Day Opportunities - Supported Employment, Training and Enterprise Service.

INSTRUCTIONS FOR COMPLETING THE QUESTIONNAIRE

- 1 Please answer every question. Many procurements generate a great deal of interest from potential suppliers, so please ensure that you complete the questionnaire as requested. Failure to do so may result in your application being disqualified. If the question does not apply to you please write N/A; if you don't know the answer please write N/K.
- 2 Please complete the questionnaire specifically for your organisation, not for the group if you are part of a group of companies.
- 3 Please include, where requested, any supporting documents, marking clearly on all enclosures the name of your organisation and the number of the question to which they refer. Excess information such as corporate brochures, attachment not requested for, and pictures must not be submitted / inserted in your completed PQQ. This may result in your application being rejected.
- 4 Please return this PQQ using the Council's e-tendering system – hard or email copies **will not be accepted**. **All submissions must be returned in exactly the same format as issued.**
- 5 In some circumstances contract funding dictates specific previous experience and/ or qualifications, if you can not provide evidence of said requirement, we will **NOT** be able to consider your application. This requirement will be highlighted where applicable.
- 6 For the purposes of this questionnaire the term "Authority" means the purchasing organisation that is seeking to award a contract. "Organisation" covers Sole Traders, Partnerships, Co-operatives, Public Limited Companies, Private Limited Companies and Voluntary Organisations. "You"/ "Your" or "Potential Provider" means the business or company which is completing this PQQ.

7 Verification of Information Provided:



7.1 The higher the risk of the procurement, the higher the level of verification is likely to be required. Not all questions require supporting documents up front at this stage. **However, the authority may ask to see these documents at a later stage, so it is advisable you ensure they can be made available upon request.** You may also be asked to clarify your answers or provide more details about certain issues.

8 Sub Contracting Arrangements

8.1 Where a sub-contracting approach is proposed, all information requested should be given in respect of the prime contractor. Where sub-contractors will play a significant role in the delivery of the services or products under any ensuing contract, please indicate in a separate annex (by inserting the relevant company/organisation name) the composition of the supply chain, indicating which member of the supply chain will be responsible for the elements of the requirement.

It is recognised that arrangements in relation to sub-contracting may be subject to future change. However, Potential Providers should be aware that where sub-contractors are to play a significant role, any changes to those sub-contracting arrangements may constitute a material change and therefore may affect the ability of the Potential Provider to proceed with the procurement process or to provide the goods and/or services.

9 Consortia Arrangements

9.1 If the Potential Provider bidding for a requirement is a consortium, the following information must be provided:

- full details of the consortium; and
- the information sought in this PQQ in respect of each of the consortium's constituent members which must be submitted with the lead bidders response.

Potential Providers should provide details of the actual or proposed percentage shareholding of the constituent members within the consortium in a separate Annex. If a consortium is not proposing to form a corporate entity, full details of alternative proposed arrangements should be provided in the Annex.

The Authority recognises that arrangements in relation to consortia may (within limits) be subject to future change. Potential Providers should therefore respond in the light of the arrangements as currently envisaged. Potential Providers are reminded that any future proposed change in relation to consortia must be notified to the Authority so that it can make a further assessment by applying the selection criteria to the new information provided.

9.2 Where the proposed prime bidders are a special purpose vehicle or holding company, the information should be provided of the extent to which it will call upon the resources and expertise of its members.

10 Communications



Pre-Qualification Questionnaire

10.1 All questions and queries about the procurement procedure must be submitted via the **question and answer facility on the Councils e-tendering system** – https://www.londontenders.org/procontract/supplier.nsf/frm_home?openForm

11 **Indicative Timetable** - These dates are indicative and are subject to change.

Procurement Stage	Date
Issue PQQ by	14th May
Return Completed PQQ	11th June
Completion of PQQ Evaluation	22 nd June
Notify respondees to the PPQ of evaluation outcome by	25 th June
Issue Tender	25 th June

12 **Return of Pre-Qualification Questionnaire**

12.1 Completed questionnaire with all supporting documentation (where requested) must be uploaded by;

Date:	11th June
Time:	12 noon
Via:	https://www.londontenders.org/procontract/supplier.nsf/frm_home?openForm

Please return the questionnaire **ON TIME**; it is **your responsibility** to ensure the submission is received **on time**. Any response received after the deadline will **not be considered**.



If you are tendering for a contract with more than one Lot, please state which Lots you wish to apply for.	
Lot 1	<input type="checkbox"/>
Lot 2	<input type="checkbox"/>

14 Evaluation and Selection

14.1 The objective of the selection process is to assess the responses to this questionnaire and select organisations to proceed to the next stage of the procurement process.

14.2 Selection criteria will be a combination of both financial and non-financial factors and will consider-;

Section A is for information only and will not be scored but must be completed

14.2.1 Grounds for mandatory and discretionary rejection. **Sections B = PASS / FAIL** Bidders who fail this section will be excluded from further consideration in the procurement process.

14.2.2 Economic and financial standing **sections C of the questionnaire**. The Council will use the information provided to carry out an appraisal of the Applicant's financial position and therefore determine the level of risk that it would represent to the Council. This will involve independent financial checks. This section will be assessed as a **PASS / FAIL**. Bidders who fail this section will be excluded from further consideration in the procurement process.

14.2.3 Equality & Diversity **section D =Pass / Fail**

14.2.4 Health & Safety **Section E = Pass / Fail**

In sections D and E please note that if your organisation has had a judgement, prosecution or prohibition notices against it which has not been rectified, your organisation may be excluded from the procurement process

14.2.5 Organisation's ability and capacity – assessment of the totality of resources, core competencies available to the contractor **section F = 100%**





A. INFORMATION ABOUT YOUR ORGANISATION

A1.	Full name of organisation tendering (or of organisation acting as lead contact where a consortium bid is being submitted)	
	Registered Office	
	Company or Charity registration number	
	Date of Company registration	
	VAT registration number	
	Name of immediate parent company	
	Name of ultimate parent company	
	Type of organisation Please state Are you a sole trader, partnership, private limited company, public limited company, co-operative, voluntary organisation or other? (Please specify).	
A2.	CONTACT DETAILS	
	Name	
	Address	
	Post Code	
	Country	
	Phone	
	Email	



Pre-Qualification Questionnaire

A3.	Consortia and Sub-Contracting	Yes	N/A
(i)	Your organisation is bidding to provide the services required itself	<input type="checkbox"/>	<input type="checkbox"/>
(ii)	Your organisation is bidding in the role of Prime Contractor and intends to use third parties to provide some services	<input type="checkbox"/>	<input type="checkbox"/>
(iii)	The Potential Provider is a consortium	<input type="checkbox"/>	<input type="checkbox"/>
If you answer YES to either (ii) or (iii) please indicate in a separate annex (by inserting the relevant company/organisation name) the composition of the supply chain, indicating which member of the supply chain (which may include the Potential Provider solely or together with other providers) will be responsible for the elements of the requirement. (See paragraph 8 & 9 above)			
Annexes Enclosed?			
		<input type="checkbox"/>	<input type="checkbox"/>

A4.	QUESTIONS A4 (i) and A4 (ii) FOR COMPLETION BY NON-JK BUSINESSES ONLY
(i)	Registration with professional body
Is your business registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annexes IX A-C of Directive 2004/18/EC) under the conditions laid down by that member state).	
(ii)	Is it a legal requirement in the State where you are established for you to be licensed or member of a relevant organisation in order to provide the requirement in this procurement? If yes, please provide details of what is required and confirm that you have complied with this.

A5.	It is mandatory for all contractors intending to do business with the Council to comply with its Ethical Governance Protocol. View the Council's Ethical Policy here . Can you confirm if your organisation will comply with this protocol? If not, what plans does your organisation have to achieve compliance?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>



Pre-Qualification Questionnaire

<p>A6.</p>	<p>Has your organisation ever had fees or other payments withheld as a consequence of failure to perform, negligence for services or suffered a deduction for liquidated and/or ascertained damages in respect of any contract within the last three years? If yes, please give details.</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>A7.</p>	<p>Has your organisation ever had a contract terminated under the terms of a contract or withdrawn from a contract before the end of the contract period within the last three years? If yes, please give details.</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>A8.</p>	<p>Has your organisation ever suffered the non-renewal of a contract due to a failure to perform to the terms of that contract? If yes, please give details.</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>A9.</p>	<p>Has your organisation ever been subjected to Court/Legal/Arbitration action as a result of any works/services by or on behalf of your organisation? If yes, please give details.</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>A10.</p>	<p>Has your organisation met all obligations relating to payment of taxes and social security, under the law of any part of the United Kingdom or countries in which the organisation is established, been fulfilled. If No, please give details. Including when they will be up to date before the contract start date.</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>A11.</p>	<p>Has any Director, Partner, Trustee Associate or employee been employed by this Council in the last three years? (If yes, give names, dates of employment and job titles)</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>



A12.	Does any of the Director, Partner or Associate have a relative(s) who is employed by the Council at a Senior level or who is a Councillor? (If yes, give names, dates of employment and job titles)	<input type="checkbox"/>	<input type="checkbox"/>
A13.	Please state the names of Directors, Partners, Trustees or Associates of your organisation who have any involvement in other organisations who provide services to the Council.	<input type="checkbox"/>	<input type="checkbox"/>

B. GROUNDS FOR MANDATORY AND DISCRETIONARY REJECTION

B1 - Grounds for mandatory rejection

Important Notice:

In some circumstances the Authority is required by law to exclude you from participating further in a procurement process. If you cannot answer 'no' to every question in this section it is very unlikely that your application will be accepted, and you should contact us for advice before completing this form. See the Public Contracts Regulation 2006, Regulation 23.

Please state 'Yes' or 'No' to each question.

B1.	Has your organisation or any directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?	Yes	No
(i)	conspiracy within the meaning of section 1 of the Criminal Law Act 1977 where that conspiracy relates to participation in a criminal organisation as defined in Article 2(1) of Council Joint Action 98/733/JHA (as amended);	<input type="checkbox"/>	<input type="checkbox"/>
(ii)	an offence under the Bribery Act 2010	<input type="checkbox"/>	<input type="checkbox"/>
(iii)	the offence of bribery;	<input type="checkbox"/>	<input type="checkbox"/>
(iv)	fraud, where the offence relates to fraud affecting the financial interests of the European Communities as defined by Article 1 of the Convention relating to the protection of the financial interests of the European Union, within the meaning	<input type="checkbox"/>	<input type="checkbox"/>



Pre-Qualification Questionnaire

	of:			
(iv.1)	the offence of cheating the Revenue;		<input type="checkbox"/>	<input type="checkbox"/>
(iv.2)	the offence of conspiracy to defraud;		<input type="checkbox"/>	<input type="checkbox"/>
(iv.3)	fraud or theft within the meaning of the Theft Act 1968 and the Theft Act 1978;		<input type="checkbox"/>	<input type="checkbox"/>
(iv.4)	fraudulent trading within the meaning of section 458 of the Companies Act 1985 or section 993 of the Companies Act 2006;		<input type="checkbox"/>	<input type="checkbox"/>
(iv.5)	defrauding the Customs within the meaning of the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994;		<input type="checkbox"/>	<input type="checkbox"/>
(iv.6)	an offence in connection with taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993; or		<input type="checkbox"/>	<input type="checkbox"/>
(iv.7)	destroying, defacing or concealing of documents or procuring the extension of a valuable security within the meaning of section 20 of the Theft Act 1968;		<input type="checkbox"/>	<input type="checkbox"/>
(v)	money laundering within the meaning of the Money Laundering Regulations 2003 or Money Laundering Regulations 2007; or		<input type="checkbox"/>	<input type="checkbox"/>
(vi)	any other offence within the meaning of Article 45(1) of Directive 2004/18/EC as defined by the national law of any relevant State.		<input type="checkbox"/>	<input type="checkbox"/>

B2. If your response to any of the questions in B1 is yes please provide further details below

B3 - Grounds for discretionary rejection

Important Notice

The Authority is entitled to exclude you from consideration if any of the following apply but may decide to allow you to proceed further. If you cannot answer 'no' to every question it is possible that your application might not be accepted. In the event that any of the following do apply, please set out in B4 below full details of the relevant incident and any remedial action taken subsequently. The information provided will be taken into account by the Authority in considering whether or not you will be able to proceed any further in respect of this procurement exercise.



Pre-Qualification Questionnaire

Please state 'Yes' or 'No' to each question.

	Is any of the following true of your organisation?	Yes	No
B3.1			
(i)	being an individual, i.e. sole trader is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order made against him or has made any composition or arrangement with or for the benefit of his creditors or has not made any conveyance or assignment for the benefit of his creditors or appears unable to pay or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other state;	<input type="checkbox"/>	<input type="checkbox"/>
(ii)	being a partnership constituted under Scots law, has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate; or	<input type="checkbox"/>	<input type="checkbox"/>
(iii)	being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002 has passed a resolution or is the subject of an order by the court for the company's winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, or had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part thereof or is the subject of similar procedures under the law of any other state?	<input type="checkbox"/>	<input type="checkbox"/>
B3.2	Has your organisation	<input type="checkbox"/>	<input type="checkbox"/>
(i)	been convicted of a criminal offence relating to the conduct of your business or profession;	<input type="checkbox"/>	<input type="checkbox"/>
(ii)	committed an act of grave misconduct in the course of your business or profession;	<input type="checkbox"/>	<input type="checkbox"/>
(iii)	failed to fulfil obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which you are established;	<input type="checkbox"/>	<input type="checkbox"/>
(iv)	failed to fulfil obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which you are established; or	<input type="checkbox"/>	<input type="checkbox"/>
(v)	been guilty of serious misrepresentation in providing any information required of you under Regulation 23 of	<input type="checkbox"/>	<input type="checkbox"/>



the Public Contracts Regulations 2006?	
----------------------------------------	--

B4. If your response to any of the questions in B3 is yes please provide details of the relevant incident and any remedial action taken subsequently.	
--------------------------------------------------------------------------------------------------------------------------------------------------------------	--

C. ECONOMIC AND FINANCIAL STANDING

FINANCIAL INFORMATION		Enclosed
C1.	Please provide the following set out below-;	
(i)	A copy of your audited accounts for the most recent three years to include: Balance Sheet, Profit and Loss Account, cash flow statement, full Notes to the Accounts, Director's Report/Auditor's Report. Please clearly label the files; Accounts	<input type="checkbox"/>
(ii)	If not already included in your audited accounts please provide a statement of your turnover, profit & loss account and cash flow for the most recent 3 years of trading	<input type="checkbox"/>
(iii)	Alternative means of demonstrating financial status if trading for less than a year	<input type="checkbox"/>

C2.	Please state your organisation's financial turnover (from audited accounts) for the last three years beginning with the most recent figures. If your business has not been in operation for 3 years, please provide this information since creation of the business:		
	• Year:	to	£
	• Year:	to	£
	• Year:	to	£
C3.	Please indicate your organisation's net profit (or loss) for the last 3 years beginning with the most recent figures;		

	• Year: to	: Profit £	: Loss £
	• Year: to	: Profit £	: Loss £
	• Year: to	: Profit £	: Loss £
C4.	Please state your organisation's assets and liabilities for the last 3 years, starting with the most recent figure:		
	• Year: to	: Assets £	: Liabilities £
	• Year: to	: Assets £	: Liabilities £
	• Year: to	: Assets £	: Liabilities £
C5.	Has your organisation met the terms of its banking facilities, loan agreements (if any), and obligations to pay its creditors and staff during the past year? If no, what were the reasons, and what has been done to put things right?		
		Yes <input type="checkbox"/>	No <input type="checkbox"/>
C6.	Please advise of any other comments about your finances that you believe is important to your application		

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C7.	INSURANCE - Please confirm that your organisation have this in place.	Yes	No
(i)	Employer's liability insurance is a legal requirement (except for businesses employing only the owner / close family members) and this should be at least £10 million.	<input type="checkbox"/>	<input type="checkbox"/>
(ii)	Public liability insurance (minimum requirement £10 million)	<input type="checkbox"/>	<input type="checkbox"/>
(iii)	Professional liability / insurance (minimum requirement £2million)	<input type="checkbox"/>	<input type="checkbox"/>
(iv)	Product liability (for use where goods are to be supplied)	<input type="checkbox"/>	<input type="checkbox"/>
	If your organisation does not have the minimum requirement as stated above, is your organisation willing to increase its insurance cover?	<input type="checkbox"/>	<input type="checkbox"/>



D. EQUALITY & DIVERSITY

Section D – Equality and Equality of Opportunity

Equalities

The Equality Act 2010 aims to eliminate unlawful racial discrimination and to advance equality of opportunity and foster good relations. The Act established a new Single Equality Duty on public authorities. This consolidates the three existing public duties on race disability and gender. Additionally it covers age sexual orientation religion or belief, pregnancy and maternity and gender reassignment. The London Borough of Tower Hamlets seeks to ensure that services, which other organisations carry out on its behalf, are carried out with the same regard for the promotion of equality and that the needs of diverse groups in our community are taken into account when designing and delivering public services.

The Council is committed to developing, promoting and delivering its services, information and employment opportunities without discriminating on the basis of a person's race, disability, age, gender, religion, sexuality or any other aspect of an individual's background or heritage which is used as justification for unfair treatment.

The Council expects that its contractors and others who deliver its services share and implement this vision and these values. All organisations wishing to provide services on Tower Hamlets' behalf must be able to demonstrate that all reasonably practicable steps are being taken to allow equal access and equal treatment in employment and service delivery for all.

Evaluating Suppliers

The Council requires suppliers to demonstrate that they comply with equality in employment legislation. We will carry out an evaluation of your Equal Opportunities Policy against a set of standard criteria.

Equalities - Standard Assessment Criteria

All suppliers must achieve the criteria listed below.

1. All suppliers must provide an equal opportunities policy in respect of race, gender and disability that covers at least:-
 - (a) Recruitment, selection, training, promotion, discipline and dismissal;
 - (b) Discrimination, harassment and victimisation, making it clear that these are disciplinary offences with the supplier;
 - (c) Identification of the senior position with responsibility for the policy and its effective implementation; and



Pre-Qualification Questionnaire

- (d) Communicating the policy to your staff;
- 2. Effective implementation of the policy in the suppliers' recruitment practices, to include open recruitment methods such as the use of job centres, careers service or press advertisements.
- 3. Regular reviews of the policy.
- 4. Regular monitoring of the numbers of job applicants from different gender, disability and ethnic groups.
- 5. Provide written instructions to managers and supervisors on equality in recruitment, selection, training, promotion, discipline and dismissal of staff.
- 6. Provide equality training for managers and any staff responsible for recruitment and selection.
- 7. Carry out monitoring on the number of employees from different gender, disability and ethnic groups by grade when:
 - (a) in post;
 - (b) applying for posts;
 - (c) taking up training and development opportunities;
 - (d) promoted;
 - (e) transferred;
 - (f) disciplined and dismissed; and
 - (g) leaving employment.
- 8. If monitoring reveals under-representation of the groups listed in 7 above what action, including positive steps, are taken to address any imbalances.
- 9. Regular reporting and consultation on equality issues within the workforce.
- 10. Mention in the supplier's recruitment advertisements and publicity literature that equal opportunities practices are in place.

Permanent Staff	
D1.	Please state the number of direct employees in your company (including Directors, Partners, full and part time



staff etc).	
-------------	--

The following questions are based on the questions and descriptions of evidence prescribed by the Secretary of State in respect of section 18(5) of the Local Government Act 1988. You are required to demonstrate compliance with equality in employment legislation through your answers to these questions and to provide supporting information when and if requested.

Part 2: Section D – Equality and Equality of Opportunity			
	Yes	No	
D2.	Does your policy embrace all of the minimum requirements set out above?	<input type="checkbox"/>	<input type="checkbox"/>
D3.	In the last three years has any finding of unlawful discrimination or other breach of equality law been made against your organisation by any court or industrial tribunal?	<input type="checkbox"/>	<input type="checkbox"/>
D4.	In the last three years has your organisation been the subject of a formal investigation by the Commission for Racial Equality, the Equal Opportunities Commission or the Disability Rights Commission on the grounds of alleged breach of equality law?	<input type="checkbox"/>	<input type="checkbox"/>
D4.1	If the answer to D3 or D4 above is yes, please provide details of what steps you took in consequence of any findings.		
D5.	Equal Opportunities Policy		
D5.1	Do you have an Equal Opportunities Policy?	<input type="checkbox"/>	<input type="checkbox"/>
D5.2	Is your policy on equal opportunities at work clearly set out and accessible to all?	<input type="checkbox"/>	<input type="checkbox"/>
D5.3	Do you provide clear written instructions on equality, in accordance with the above, to those concerned with recruitment, training and promotion and in the process of supplying your goods/services or works?	<input type="checkbox"/>	<input type="checkbox"/>
D5.4	Are your equality documents issued to all employees, unions or other representative groups?	<input type="checkbox"/>	<input type="checkbox"/>
D5.5	Do you ensure that your equalities policy is reflected in recruitment advertisements or other literature?	<input type="checkbox"/>	<input type="checkbox"/>



Pre-Qualification Questionnaire

D6.	Do you observe, as far as possible, the Commission for Racial Equality's Code of Practice for Employment, as approved by Parliament in 1983, which gives practical guidance to employers and others on the elimination of racial discrimination and the promotion of equality of opportunity in employment, including the steps that can be taken to encourage members of the ethnic minorities to apply for jobs or take up training opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
D7.	Do you foster good relations when running your business and providing services?	<input type="checkbox"/>	<input type="checkbox"/>
D8.	Is your organisation currently subject to UK legislation? If not, please supply details of your experience in working under equivalent material legislation which in your country is designed to eliminate discrimination and promote equality of opportunity?	<input type="checkbox"/>	<input type="checkbox"/>
D9.	Please confirm that your organisation has a method statement that complies with UK and European equalities legislation relating to service delivery and employment. You will be required to include a copy at tender stage to verify your response; any discrepancies could result in your tender being disqualified. The method statement should include details of: <ol style="list-style-type: none"> 1. Your organisation's equal opportunities policy; 2. Your approach to setting priorities and targets, and developing an action plan; 3. The seniority of the person who oversees effective implementation; 4. Details of how this policy is communicated to staff; 5. Details of procedures that you have to protect your staff from unlawful discrimination; 6. Training on equalities provided to staff; and 7. Your monitoring arrangements for tracking progress. 	<input type="checkbox"/>	<input type="checkbox"/>

E. Health and Safety

		Yes	No
E1.	Does your organisation have a written Health & Safety policy? (covering General Policy, Organisation and Arrangements) as required by Section 2(3) of the Health and Safety at Work Act 1974 and any codes of safe work practices. If yes please	<input type="checkbox"/>	<input type="checkbox"/>



	attach a copy of the policy		
	Policy Enclosed	<input type="checkbox"/>	<input type="checkbox"/>

E2.	<p>Has your organisation been the subject of any prosecutions with or without charge for contravening the Health & Safety at Work Act 1974, or equivalent national legislation, and /or any formal investigation by the Health & Safety Executive or similar national body charged with supervision of health and safety standards. (10)? If yes, please give details and include what steps did you take in consequence of the prosecution / prohibition?</p>	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

E3.	<p>Has your organisation, or a subcontractor working for you, or any of your employees, been subject to prosecution or prohibition notices by the Health and Safety Executive, or other enforcing agencies? (If yes, please give details and include what steps did you take in consequence of the prosecution)</p>	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

F. Technical and Professional Ability

(Where the Potential Provider is a special purpose vehicle and not intending to be the main provider of the goods or services, the information requested should be provided in respect of the principal intended provider of the goods or services.)

SERVICE SPECIFIC QUESTIONS

F. 1	<p>How many staff does your organisation (including consortia members or where appropriate) employ relevant to the carrying out of services to those required under this contract? Non scoring Question</p>	
F. 2	<p>Please provide an outline of your organisation's experience in providing services to:</p> <ul style="list-style-type: none"> • People with learning disabilities • Supporting people with learning disabilities into vocational and employment opportunities • developing social enterprises and working with local, voluntary, commercial and statutory organisations to develop training and employment 	



	opportunities
F. 3	Please provide details of how you have managed to deliver services through a floating support model or through hubs working with other voluntary and statutory sector providers.
F. 4	How would you ensure that your workforce reflects the community served
F. 5	Please outline your approach to delivering personalised services focusing on supporting individuals aspirations linked to training and employment, which are responsive to the requirements of individual support plans.
F. 6	Please outline your approach to ensuring that all care staff employed have, or are working towards, as a minimum NVQ level 3 in Information, Advice and Guidance, or a minimum Level 3 qualifications in literacy and numeracy. What proportion of your current workforce have achieved either of the afore mentioned level?
F. 7	Please provide a copy of your organisation's Safeguarding Policy and Procedures and tell us when this was introduced and last reviewed.
F. 8	Experience and examples Please provide details of up to three contracts from either or both the public or private sector, that are relevant to the Authority's requirement. Contracts for the supply of goods or services should have been performed during the past three years. (The customer contact should be prepared to speak to the purchasing organisation to confirm the accuracy of the information provided below if we wish to contact them).

	EXPERIENCE AND CONTRACT EXAMPLES		
F	Please provide details of up to three contracts from either/or both the public and private sector, that are relevant to the Authority's requirement. Contracts for the supply of goods or services should have been performed during the <u>past three</u> years. (The customer contact should be prepared to speak to the purchasing organisation to confirm the accuracy of the information provided below if we wish to contact them).		
	Contract 1	Contract 2	Contract 3
	Customer Organisation (name):		
	Customer contact name, phone number and email:		



Contract start date:			
Contract completion date:			
Contract Value:			
Brief description of contract (max 150 words) including evidence as to your technical capability in this market.:			
If you cannot provide at least one example, please briefly explain why (100 words max):			



WHEN YOU HAVE COMPLETED THE QUESTIONNAIRE, PLEASE READ AND SIGN THE SECTION BELOW.

I/We certify that the information supplied is accurate to the best of my/our knowledge and that I/we accept the conditions and undertakings requested in the questionnaire. I/we confirm that we are willing and able to provide copies of all policies, statements and other documents referred to above, should the London Borough of Tower Hamlets/ Tower Hamlets Homes request to see them

I/We declare that to the best of my/our knowledge the answers submitted in this PQQ are correct. I/We understand that the information will be used in the process to assess the organisation's suitability to be invited to tender for the Authority's requirement and I am signing on behalf of my organisation. I/We understand that the Contracting Authority may reject this PQQ if there is a failure to answer all relevant questions fully or if I/we provide false/misleading information

I/We understand that false information could result in my/our exclusion from the selected list of Invitees.

I/We also understand that it is a criminal offence, punishable by imprisonment, to give or offer any gift or consideration whatsoever as an inducement or reward to any servant of a public body and that any such action will empower the Council to cancel any contract currently in force and will result in my/our exclusion from the Select List of Tenderers.

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Name	
Post	
Signature	
Date	

Please note the term "organisation" refers to: Sole Traders, Partnerships, Co-operatives, Public Limited Companies, Private Limited Companies and Voluntary Organisations as appropriate. The undertaking should be signed by the applicant, a partner or authorised representative in her/his own name and on behalf of the organisation.

BEFORE RETURNING THIS APPLICATION FORM, PLEASE ENSURE THAT YOU HAVE:

- § Answered all questions appropriate to your application
- § Attached relevant documents (clearly marked)

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LEARNING DISABILITY DAY OPPORTUNITIES – COMPLEX AND HIGH NEEDS SERVICE METHOD STATEMENT

1 Introduction

Tenderers are required to submit method statements demonstrating how they intend to deliver services if awarded a contract. Responses to the method questions will enable the evaluation panel to assess tenderers against the requirements of the service specification.

Tenderers should provide information which demonstrates and supports their understanding of, and ability to meet the service specifications. **It is vital that responses do not simply replicate or list policies and procedures, but clearly demonstrate how and when these might apply and how they will be utilised in service delivery.**

- 1.1 The Method Statement enables tenderers to submit information for the provision of a Complex and High Needs Service for people with learning disabilities services. Bidders will need to answer all of the questions and complete the pricing schedule.
Failure to complete all required questions and/or the pricing schedule will result in the submission being rejected.
- 1.2 Responses to the Method Statement Quality and Innovation questions must be made using the tender template attached at appendix 1. Responses that are not submitted in the required format or do not answer all required questions will not be considered.

2. Consortia Bids

Consortia bids must also answer the questions listed on the tender submission template, and reproduced at 2.1 below. Whilst the answers to these questions will not form part of the overall evaluation process they will be assessed to determine the consortium's overall ability to deliver services under the contract. As such a failure to satisfactorily answer any of the questions may result in the consortium bid not being accepted for evaluation:

2.1 Consortia Model

- a. What legal form will be taken by the consortia in the delivery of the service.
- b. Explain how the model stated above will work to deliver the service. Within your response please outline the management structure and the responsibilities of each of the consortium members for the delivery of the service within this model.
- c. What do the consortia perceive to be the risks associated with the model of delivery stated in b and how do the consortia propose to manage /mitigate risks to ensure an

effective service delivery. Also state which member(s) of the consortium will be liable for the risks?

- d. Please explain the Consortia’s approach to financial management for the delivery of services.
- e. Please explain how decisions will be made within the Consortia and how this decision will be communicated quickly and effectively through-out the consortia to ensure an effective service delivery.
- f. Please explain what processes are in place to manage the relationships between consortium members.
- g. Please state which member of the consortia will be responsible for contract management and how the process will work.

3. Evaluation

3.1 Evaluation Panels

Tender Evaluation Panels, representing relevant stakeholders, will be convened to evaluate the tender submissions and produce a recommendation to Cabinet of the successful bidder to deliver the day opportunities service of a complex and high needs service for people with learning disabilities in Tower Hamlets.

The panels will score the method statements using the scoring system set out below and will have the discretion to award half points. All stages below will be scored.

Evaluation will comprise of:

- Evaluation of the tender submission;
- Evaluation of the pricing schedule submission.
- Presentation by those providers successful following ITT evaluation

3.2 Evaluation scoring

Each question on the method statement will be scored from 0-5 as follows:

No submission	0 points	Failed to submit a method statement or address question
Very Poor	1 point	A limited response with poor supporting evidence and lacks clarity
Poor	2 points	Answers meet some, but not all of the method statement’s requirements. Lacks convincing evidence and understanding of the requirements.
Acceptable	3 points	Acceptable answer to the method statement. Answers are comprehensive and meet the required standards in all material aspects
Good	4 points	Answer demonstrates a real understanding and gives a detailed method statement
Excellent	5 points	Answers gives greater confidence than “good” and that the method statement provides much more detail, is realistic and achievable and gives greater understanding than that

		of the “good” answer.
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3.3 Word Limits

A strict word limit has been applied to each method statement question, to enable responses to be as concise and relevant as possible. Submissions must be kept to the maximum word limits as detailed at the top of each section. Any information that exceeds the word limits stated will be excluded from evaluation. For the absence of doubt, this means, for example, that if the word limit for a question is 500 words, evaluators will read the first 500 words of the answer and disregard anything beyond that limit. Unless requested, attachments should not be included and they will not be read or considered as part of the evaluation. This includes any policy and procedures that are referenced in the responses unless these have been explicitly requested in the relevant question.

3.4 Award Criteria

Contract award will be based on the most economically advantageous tender, taking into account quality, innovation, and price.

The listed weighted criterion will be considered in selecting shortlisted bidders for final evaluation, based on 45% Quality, 45% Price and 10% innovation.

The Pricing Schedule responses will be used to assess the financial viability of the tenderers service. Scores will be allocated to each tenderer based upon the submitted price shown in the Pricing Schedule.

The total score for each section of the method statement will be weighted by the relevant weighting factor (as shown in the tables below), in accordance with the award criteria, to give a final score. The weighting given to each individual question is shown in Appendix 1.

Shortlisting and final evaluation

Once the ITT evaluation described in 3.4 above is complete, bidders will be ranked on the basis of their combined quality, innovation and price scores.

The three (3) bidders submitting the Most Economically Advantageous Tenders will then be invited to attend a clarification interview to the panel. At this point, the overall evaluation scores for each of these 3 bidders will be adjusted to represent 90% of the final evaluation score for contract award purposes by using the formula: $(\text{Evaluation score}/10)*9$.

The Evaluation Panel will then score each interview using the same 1 to 5 scoring methodology set out in 3.2 above, and this score will be converted to represent a proportion of a maximum of 10% (so 5 points would equal 10%, 4 points 8% and so on).

This presentation score, expressed as a percentage, will then be added to the adjusted evaluation score to provide a final evaluation score for each of the 4 remaining bidders. The Most Economically Advantageous Tender will then be selected for contract award.

Evaluation Sub criteria:

Criterion	Sub criteria	Weighting
Quality,	<ul style="list-style-type: none"> Effective systems to measure quality, performance and 	6%

performance and outcomes	<p>outcomes.</p> <ul style="list-style-type: none"> • Commitment to and systems for ensuring high quality services and continuous improvement. • Demonstrates a commitment to the promotion of fair access and inclusion. 	
Sustainability and deliverability	<ul style="list-style-type: none"> • Appropriate infrastructure and building to be able to deliver services effectively, flexibly and responsively in tower hamlets. • Demonstration of effective training and appropriately qualified staff. • Knowledge of the issues relating to staff transfers. • Appropriate experience in implementing effective strategies for disengagement/ throughput. • Evidence of working with a multi disciplinary approach • Evidence of appropriate building and facilities contained therein to deliver the service 	8%
Community benefit and added value	<ul style="list-style-type: none"> • Demonstration of an ability to deliver sensitive and appropriate services to the diverse communities of the Borough. • Commitment to employment of local people. • Demonstration of how a contribution will be made to the community infrastructure in the Borough linking with local partners and statutory providers to optimise opportunities. • Demonstration of the unique characteristics of the organisation which will add value for users and commissioners. 	10%
Safeguarding	<ul style="list-style-type: none"> • Commitment to ensuring service users are free from physical and emotional abuse, harassment and neglect. 	6%
Specialist knowledge	<ul style="list-style-type: none"> • Demonstration of a commitment to and experience of working in partnership at a local level. • Experience of delivering a day service for complex and high needs in learning disability provision • Demonstration of effective training and appropriately qualified staff. • Understanding and experience of delivering sensitive and appropriate services in relation to specific situations, including: <ul style="list-style-type: none"> ○ Complex disabilities ○ Multiple needs including health needs ○ Challenging behaviour ○ Autism and Aspergers Syndrome • An understanding of how to achieve the outcomes specified in the service specification. 	15%
Innovation	<ul style="list-style-type: none"> • Demonstration of how services will respond to the developing opportunities of the personalisation agenda and deliver increased flexibility and control for service 	10%

	<p>users.</p> <ul style="list-style-type: none"> • Explanation of the service models that will be utilised to enable personalised services to be delivered; what standards will be applied and what changing experiences can service users expect. • Innovation in design and planning service delivery 	
Price	<ul style="list-style-type: none"> • Cost per service including daily rate • Proportion of daily rate attributable to direct staff costs • Proportion of daily rate attributable to service running costs • Building/rent and overhead costs 	45%

1. Core Questions for Consortia Bids:

Consortia bids must also answer the questions listed in the table below. It should be noted that whilst the answers to the questions below will not form part of the overall evaluation process, they will be assessed to determine the consortium's overall ability to deliver services under the contract. These questions have therefore been weighted as pass or fail and as such a failure to satisfactorily answer any of the questions below may result in the consortium bid not being accepted for evaluation.

Please submit your response to all questions below on separate sheets with the question reference number clearly identified on each sheet taking into account the word limit set for each question.

Consortia Model	Word Count	Weighting
What legal form will be taken by the consortia in the delivery of the service?	500 words	Pass or Fail
Explain how the model stated above will work to deliver the service. Within your response please outline the management structure and the responsibilities of each of the consortium members for the delivery of the service within this model.	500 words	Pass or Fail
What do the consortia perceive to be the risks associated with the model of delivery stated in b and how do the consortia propose to manage /mitigate risks to ensure an effective service delivery? Also state which member(s) of the consortium will be liable for the risks?	500 words	Pass or Fail
Please explain the Consortia's approach to financial management for the delivery of services	500 words	Pass or Fail
Please explain how decisions will be made within the Consortia and how this decision will be communicated quickly and effectively through-out the consortia to ensure an effective service delivery.	500 words	Pass or Fail
Please explain what processes are in place to manage the relationships between consortium members.	500 words	Pass or Fail
Please state which member of the consortia will be responsible for contract management and how the process will work.	500 words	Pass or Fail

2. Core Questions for all bids:

a Verification of Information Provided:

- a1 The higher the risk of the procurement, the higher the level of verification is likely to be required. Not all questions require supporting documents up front at this stage. **However, the authority may ask to see these documents at a later stage, so it is advisable you ensure they can be made available upon request.** You may also be asked to clarify your answers or provide more details about certain issues.

c Sub Contracting Arrangements

- c1 Where a sub-contracting approach is proposed, all information requested should be given in respect of the prime contractor. Where sub-contractors will play a significant role in the delivery of the services or products under any ensuing contract, please indicate in a separate annex (by inserting the relevant company/organisation name) the composition of the supply chain, indicating which member of the supply chain will be responsible for the elements of the requirement.

It is recognised that arrangements in relation to sub-contracting may be subject to future change. However, Potential Providers should be aware that where sub-contractors are to play a significant role, any changes to those sub-contracting arrangements may constitute a material change and therefore may affect the ability of the Potential Provider to proceed with the procurement process or to provide the goods and/or services.

d. Consortia Arrangements

- d.1 If the Potential Provider bidding for a requirement is a consortium, the following information must be provided:

- full details of the consortium; and
- the information sought in this response sheet in respect of each of the consortium's constituent members as part of a single composite response.

Potential Providers should provide details of the actual or proposed percentage shareholding of the constituent members within the consortium in a separate Annex. If a consortium is not proposing to form a corporate entity, full details of alternative proposed arrangements should be provided in the Annex. However, please note the Authority reserves the right to require a successful consortium to form a single legal entity in accordance with regulation 28 of the Public Contracts Regulations 2006.

The Authority recognises that arrangements in relation to consortia may (within limits) be subject to future change. Potential Providers should therefore respond in the light of the arrangements as currently envisaged. Potential Providers are reminded that any future proposed change in relation to consortia must be notified to the Authority so that it can make a further assessment by applying the selection criteria to the new information provided.

- d.2 Where the proposed prime bidders are a special purpose vehicle or holding company, the information should be provided of the extent to which it will call upon the resources and expertise of its members.

e. Communications

- e.1 All questions and queries about the procurement procedure must be submitted via the ***question and answer facility on the Councils e-tendering system*** – https://www.londontenders.org/procontract/supplier.nsf/frm_home?openForm

3. Quality and Innovation Questions for all bidders;

Please submit your response to all questions in the method statement on separate sheets with the question reference number clearly identified on each sheet taking into account the word limit set for each question.

METHOD STATEMENT		Word limit	Weight
Section A - Quality, Performance and Outcomes			
A1 Effective systems to measure quality, performance and outcomes.	What outcome measuring tools will your organisation use to demonstrate the benefit of using this service to both service users and commissioners?	500 words	2%
A2 Commitment to and systems for ensuring high quality services and continuous improvement	Please provide a case study that demonstrates how you have identified and addressed poor performance in service delivery, giving details of organisational systems that underpin your approach.	500 words	2%
A3 Demonstrates a commitment to the promotion of fair access and inclusion	Please explain how your organisation promotes equality and makes tangible progress in the area of diversity. Illustrate your answer with examples demonstrating effective achievements in this area for both staff and service users.	500 words	2%
			6%

Section B - Sustainability and deliverability			
B1 Appropriate infrastructure to be able to deliver in the selected geographic area/s	Please provide building plans and detail on how you will deliver a responsive and effective service incorporating use of outdoor and indoor space to meet the physical, emotional, sensory and practical needs of service users with complex and high support needs. What infrastructure do you have to support this now and in the future?	500 words	2%
B2 Ability to effectively manage service transfers	a) How will you ensure any service handovers are seamless and successful? Please provide a specific example where possible.	500 words	2%
	b) How will you determine where TUPE applies, and where it does apply how will you manage the smooth transition of staff transferring to your Organisation under TUPE?		2%
B3 Demonstration of effective training and appropriately qualified staff.	What systems does your organisation have in place to ensure that training is effective and implemented in everyday practise?	500 words	2%
			8%

Section C - Community benefit and added value			
C1 Demonstration of an ability to deliver sensitive and appropriate services to the diverse communities of the Borough.	Please describe how you will ensure that issues of language, culture and ethnicity are managed sensitively and appropriately across the diverse communities living in the Borough. Please provide an example in practice.	500 words	3%
	C1a How will you ensure community and stakeholder engagement contributes to service planning and delivery and an integrated service?	500 words	3%
	C1b What part will the employment of local people play in your approach to ensuring the delivery of sensitive and appropriate services to the diverse communities in the Borough? Please provide an example in practice	500 words	2%
C2 Demonstration of the unique characteristics of the organisation which will add value for users and commissioners.	What is unique about your organisation, and how will this add value for service users and commissioners?	500 words	2%
			10

Section D - Safeguarding			
D1 Commitment to ensuring service users are free from physical and emotional abuse, harassment and neglect	How will you ensure that care staff and managers are able to recognise, identify and respond appropriately to signs of possible abuse of individuals?	750 words	6%
			6%

Section E - Specialist knowledge			
E1 Demonstration of a commitment to and experience of working in partnership at a local level.	Please provide an example of how front-line staff in your organisation have successfully worked in partnership with other agencies at a local level to deliver high quality care and support outcomes to individuals.	500 words	4%
E2 Demonstration of effective training and appropriately qualified staff.	Please provide detail of the training and development opportunities delivered to your staff over the last 12 months in the following areas: <ul style="list-style-type: none"> • Health interventions and medication management; • Effective Safeguarding • Challenging behaviour • Autism • Outcome focused support planning • Supporting none verbal service users with communication 	500 words	2%
E3 Understanding and experience of delivering sensitive	Please provide detail of how your organisation has provided sensitive and appropriate care and support to individuals in three of the four situations listed here. You	750 words	6%

<p>and appropriate services in relation to specific situations, including:</p> <ul style="list-style-type: none"> • Complex disabilities • Multiple needs including health • Challenging behaviour • Autism and Aspergers Syndrome 	<p>may use case examples in answering this question if appropriate.</p>		
<p>E4 An understanding of how to achieve the outcomes specified in the service specification.</p>	<p>Please provide a case study (of your choosing) and describe how in that example your model of care would deliver the outcomes specified in the service specification.</p>	<p>500 words</p>	<p>3%</p>
			<p>15%</p>

Section F - Innovation			
<p>F1 Demonstration of how services will respond to the developing opportunities of the personalisation agenda and deliver increased flexibility and control for service users.</p>	<p>F1a How will you ensure that the service you deliver is sufficiently flexible to support user choice in when and how the service is provided and access community facilities.</p>	<p>600 words</p>	<p>4%</p>
	<p>F1b Please describe any practices your organisation has been recognised for in regards to innovative and/or creative approaches in delivering services for adults with complex and high support needs.</p>	<p>500 words</p>	<p>3%</p>
	<p>F1c What will change for service users as a result of your service model? Please provide an example from existing practice where possible.</p>	<p>500 words</p>	<p>3%</p>
			<p>10%</p>

Pricing Schedule			
<p>Price</p>	<p>Cost per service including daily rate</p>		
	<p>Proportion of daily rate attributable to direct staff cost</p>		
	<p>Proportion of daily rate attributable to service running costs</p>		
	<p>Building/rental costs and overhead costs</p>		
			<p>45%</p>

Please submit your tendered rates and prices in the Pricing Schedule along with the service budget.

SUPPORTED EMPLOYMENT, TRAINING AND SOCIAL ENTERPRISE SERVICE: METHOD STATEMENTS

1 Introduction

Tenderers are required to submit method statements demonstrating how they intend to deliver services if awarded a contract. Responses to the method questions will enable the evaluation panel to assess tenderers against the requirements of the service specification.

Tenderers should provide information which demonstrates and supports their understanding of, and ability to meet the service specifications. **It is vital that responses do not simply replicate or list policies and procedures, but clearly demonstrate how and when these might apply and how they will be implemented in service delivery.**

- 1.1 The method statement enables tenderers to describe how they would provide the service being tendered. Bidders will need to answer all of the core questions once **and** the specialist question and pricing schedule for the service they wish to be considered for.

Failure to complete all required questions will result in the submission being rejected.

- 1.2 Responses to the method statement must be made using the tender template attached at appendix 1. Responses that are not submitted in the required format or do not answer all required questions will not be considered.

2. Consortia Bids

Consortia bids must also answer the questions listed on the tender submission template, and reproduced at 2.1 below. Whilst the answers to these questions will not form part of the overall evaluation process they will be assessed to determine the consortium's overall ability to deliver services under the framework. As such a failure to satisfactorily answer any of the questions may result in the consortium bid not being considered.

2.1 Consortia Model

- a. What legal form will be taken by the consortia in the delivery of the service?
- b. Explain how the model stated above will work to deliver the service. Within your response please outline the management structure and the responsibilities of each of the consortium members for the delivery of the service within this model.

- c. What do the consortia perceive to be the risks associated with the model of delivery stated in b and how do the consortia propose to manage /mitigate the risks to ensure an effective service delivery. Also state which member(s) of the consortium will be liable for the risks?
- d. Please explain the Consortia's approach to financial management for the delivery of services?
- e. Please explain how decisions will be made within the Consortia and how this decision will be communicated quickly and effectively through-out the consortia to ensure an effective service delivery.
- f. Please explain what processes are in place to manage the relationships between consortium members.
- g. Please state which member of the consortia will be responsible for contract management and how the process will work.

3. Evaluation

3.1 Evaluation Panels

Tender Evaluation Panels, representing relevant stakeholders, will be convened to evaluate the tender submissions. Service users will be an integral part of the evaluation process.

The panels will score the method statements using the scoring system set out below and will have the discretion to award half points. All stages below will be scored.

Evaluation will comprise of:

- Evaluation of the core tender submission;
- Evaluation of the specialist submission;
- Evaluation of the pricing schedule submission.
- Presentation for those bidders successful following ITT evaluations

3.2 Evaluation scoring

Each question on the method statement will be scored from 0-5 as follows:

No submission	0 points	Failed to submit a method statement or address question
Very Poor	1 point	A limited response with poor supporting evidence and lacks clarity
Poor	2 points	Answers meet some, but not all of the method statement's requirements. Lacks convincing evidence and understanding of the requirements.
Acceptable	3 points	Acceptable answer to the method statement. Answers are comprehensive and meet the required standards in all material aspects
Good	4 points	Answer demonstrates a real understanding and gives a

		detailed method statement
Excellent	5 points	Answers gives greater confidence than “Good” and that the method statement provides much more detail , is realistic and achievable and gives greater understanding then that of the “Good” answer.

3.3 Word Limits

A strict word limit has been applied to each method statement question, to enable responses to be as concise and relevant as possible. Submissions must be kept to the maximum word limits as detailed at the top of each section. Any information that exceeds the word limits stated will be excluded from evaluation. Unless requested, attachments should not be included and they will not be read or considered as part of the evaluation. This includes any policy and procedures that are referenced in the responses.

3.4 Award Criteria

Contract award will be based on the most economically advantageous tender, taking into account quality, price and innovation.

The listed weighted criterion will be considered in reaching a final decision at the end of the tender evaluation process, based broadly on 45% Quality, 45% Price and 10% innovation.

The total score for each section of the method statement will be weighted by the relevant weighting factor (as shown in the tables below), in accordance with the award criteria, to give a final score.

Shortlisting and final evaluation

Once the ITT evaluation described in 3.4 above is complete, bidders will be ranked on the basis of their combined quality, innovation and price scores.

The four (4) bidders submitting the Most Economically Advantageous Tenders will then be invited to attend a clarification interview to the panel. At this point, the overall evaluation scores for each of these 4 bidders will be adjusted to represent 90% of the final evaluation score for contract award purposes by using the formula: (Evaluation score/10)*9.

The Evaluation Panel will then score each interview using the same 1 to 5 scoring methodology set out in 3.2 above, and this score will be converted to represent a proportion of a maximum of 10% (so 5 points would equal 10%, 4 points 8% and so on).

This presentation score, expressed as a percentage, will then be added to the adjusted evaluation score to provide a final evaluation score for each of the 4 remaining bidders. The Most Economically Advantageous Tender will then be selected for contract award.

Evaluation Sub criteria:

Criterion	Sub criteria	Weighting
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Quality, performance and outcomes (answer once)	<ul style="list-style-type: none"> • Effective systems to measure quality, performance and outcomes. • Commitment to and systems for ensuring high quality services and continuous improvement. • Demonstrates a commitment to the promotion of fair access and inclusion. 	6%
Sustainability and deliverability (answer once)	<ul style="list-style-type: none"> • Appropriate infrastructure to be able to deliver in the selected geographic area/s. • Demonstration of effective training and appropriately qualified staff. • Knowledge of the issues relating to staff transfers. • Appropriate experience in implementing effective. Strategies for disengagement/ throughput. 	7%
Community benefit and added value (answer once)	<ul style="list-style-type: none"> • Commitment to employment of local people. • Demonstration of how workforce will reflect local community and or organisations • Explanation of how engagement with local business will support employment and training opportunities • Demonstration of how a contribution will be made to the community infrastructure in the geographic area served. • Demonstration of the unique characteristics of the organisation which will add value for users and commissioners. 	7%
Safeguarding (answer once)	<ul style="list-style-type: none"> • Commitments to ensuring service users are free from physical and emotional abuse, harassment and neglect. 	5%
Specialist knowledge (answer once)	<ul style="list-style-type: none"> • Demonstration of an ability to deliver sensitive and appropriate services to service users with learning disabilities from transition age to all adults of working age • Demonstration of a commitment to and experience of working in partnership at a local level with Local agencies, employers, statutory sector and community organisations • Demonstration of effective training and appropriately qualified staff. • Understanding and experience of delivering sensitive and appropriate services in relation to <ul style="list-style-type: none"> ○ Employment opportunities ○ Training ○ Developing and delivering social enterprises ○ Employment mentoring and support • An understanding of how to achieve the outcomes specified in the service specification. 	20%
Innovation (answer once)	<ul style="list-style-type: none"> • Demonstration of how services will respond to the developing opportunities of the personalisation agenda and deliver increased flexibility and control for service users. • Explanation of the service models that will be utilised to 	10%

	enable personalised services to be delivered; what standards will be applied and what changing experiences can service users expect.	
Price (answer once)	<ul style="list-style-type: none"> • Cost per hour (London Living Wage, block) • Percentage of direct and indirect costs • Please specify the model of service (with a detailed budget) to be delivered within the price submitted. 	45%

1. Core Questions

METHOD STATEMENT		Word limit	Weight
Quality, Performance and Outcomes			
A1 Effective systems to measure quality, performance and outcomes.	What outcome measuring tools does your organisation use to demonstrate the benefit of using this service to both service users and commissioners?	500 words	2%
A2 Commitment to and systems for ensuring high quality services and continuous improvement	Please provide a case study that demonstrates how you have identified and addressed poor performance in service delivery, giving details of organisational systems that underpin your approach.	500 words	2%
A3 Demonstrates a commitment to the promotion of fair access and inclusion	Please explain how your organisation promotes equality and makes tangible progress in the area of diversity. Illustrate your answer with examples demonstrating effective achievements in this area for both staff and service users.	500 words	2%
			6%
Sustainability and deliverability			
B1 Knowledge of the issues relating to staff transfers.	The letting of new contracts may involve a transfer of existing services. How will you determine where TUPE applies, and where it does apply how will you manage the smooth transition of staff transferring to your Organisation under TUPE?	500 word	2%
B2 Appropriate infrastructure to be able to deliver in the selected geographic area.	Please detail how you will effectively deliver a floating support service in Tower Hamlets including any infrastructure already in place, and how you will address developing the required infrastructure both now and in the future linking in with local business and employers for pathways to employment and training and social enterprise.	500 word	3%
B3 Demonstration of effective training and appropriately qualified staff.	What systems does your organisation have in place to ensure that training is effective and implemented in everyday practise?	500 word	2%
			7%

Community benefit and added value			
C1 Commitment to employment of local people	How would you support local employers across the corporate, voluntary and public sector to understand the business case of employing people with learning disabilities and provide adequate support? Please provide an example where possible.	500 words	3%
C2 Demonstration of how a contribution will be made to the community infrastructure in the geographic area served.	How will your organisation engage with the statutory sector stakeholders, local employers, and local resources such as colleges, Job Centre plus, and schools in order to make a positive contribution to the delivery of integrated services and to support and deliver training and paid employment opportunities. How will links with businesses be developed and strengthened to deliver the service? (including voluntary work experience) Please provide a specific example where possible.	500 words	2%
C3 Demonstration of the unique characteristics of the organisation which will add value for users and commissioners.	What is unique about your organisation, and how will this add value for service users and commissioners?	500 words	2%
			7%
Safeguarding			
D1 Commitment to ensuring service users are free from physical and emotional abuse, harassment and neglect	How will you ensure that support staff and managers are able to recognise, identify and respond appropriately to signs of possible abuse of individuals?	500 words	
			5%
Specialist knowledge (to be answered for each lot bid for)			
E1 Demonstration of an ability to deliver sensitive and appropriate services to the diverse communities.	How has your organisation worked with service users to shape and model its service ensuring a person centred and outcomes focused approach? A) How would this be delivered through a floating support service ensuring aspirations and choices are supported to provide the training, support and employment opportunities of individuals is met working in partnership with a range of stakeholders including move on and discharge from service. B) Include experience of delivering and supporting social enterprise to meet the range of supported employment and training needs for adults with learning disability. Please provide an example if possible.	1000 words	6%
E2 Demonstration of a commitment to and experience of working in partnership at a local level.	Please provide an example of how staff in your organisation have/will successfully work in partnership with other agencies at a local level to deliver employment opportunities and provided mentoring support for adults with learning disability to meet individuals aspirations and	500 words	3%

	sustain job placement/s for both employer and employee.		
E3 Demonstration of effective training and appropriately qualified staff.	Please provide detail of the training and development opportunities delivered to your staff over the last 12 which will ensure the expertise to deliver supported employment, training and social enterprise service are being met.	500 words	2%
E4 Understanding and experience of delivering sensitive and appropriate services in relation to specific situations, including: <ul style="list-style-type: none"> • Paid employment • Social enterprise • Supported voluntary or training placements • Supporting transition adults into training and employment 	Please provide detail of how your organisation would work with local employers to remove stigma and barriers to support individuals in three of the situations listed adjacent. Please use case examples in answering this question.	500 words	5%
E5 An understanding of how to achieve the outcomes specified in the service specification.	Please provide a case study (of your choosing) and describe how in that example your model of service would deliver the outcomes specified in the service specification.	500 words	4%
			20%

Innovation			
F1 Demonstration of how services will respond to the developing opportunities of the personalisation agenda and deliver increased flexibility and control for service users.	How will you ensure that the service you deliver is sufficiently flexible to support user choice in when and how the service is provided?	500 words	3%
	A) How will your service model supports service users in social enterprise projects with routes to training and employment?	500 words	2%
	B) Please provide an example of practice and delivery which has been recognised as innovative or creative in delivering employment, training and social enterprise services for adults with learning disabilities.	500 words	2%
	C) What will change for service users as a result of your service model? Please provide an example from existing practice where possible.	500 words	3%
			10%

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COMMUNITY HUB PREFERRED PROVIDER LIST METHOD STATEMENT

1 Introduction

Tenderers are required to submit method statements demonstrating how they intend to deliver services if awarded a contract. Responses to the method questions will enable the evaluation panel to assess tenderers against the requirements of the service specification and the method statement will form part of any resulting contract.

Tenderers should provide information which demonstrates and supports their understanding of, and ability to meet the service specifications. **It is vital that responses do not simply replicate or list policies and procedures, but clearly demonstrate how and when these might apply and how they will be implemented in service delivery.**

As this is an open tender, this method statement includes a number of questions relating to matters such as financial standing, grounds for mandatory and discretionary rejection, previous experience and references. **Whilst the answers to these questions will not form part of the overall evaluation process they will be assessed to determine bidder's overall ability to deliver services. As such a failure to satisfactorily answer any of the questions may result in the bid not being accepted for evaluation.**

- 1.1 The Method Statement enables tenderers to provide information for inclusion in the Council's Preferred Provider list for the provision of Community Hubs day opportunities for people with learning difficulties. Bidders will need to answer all of the questions and complete the pricing schedule.
Failure to complete all required questions and/or the pricing schedule will result in the submission being rejected.
- 1.2 Responses to the Method Statement Quality and Innovation questions must be made using the tender template attached at appendix 1. Responses that are not submitted in the required format or do not answer all required questions will not be considered.
- 1.3 Responses to the Method Statement Core Questions for all bidders must be made using the template attached at appendix 2.

2. Consortia Bids

Consortia bids must also answer the questions listed on the tender submission template, and reproduced at 2.1 below. Whilst the answers to these questions will not form part of the overall evaluation process they will be assessed to determine the consortium's overall ability to deliver services under the contract. As such a failure to satisfactorily answer any of the questions will result in the consortium bid not being accepted for evaluation:

2.1 Consortia Model

- a. What legal form will be taken by the consortia in the delivery of the service?
- b. Explain how the model stated above will work to deliver the service. Within your response please outline the management structure and the responsibilities of each of the consortium members for the delivery of the service within this model.
- c. What do the consortia perceive to be the risks associated with the model of delivery stated in b and how do the consortia propose to manage /mitigate risks to ensure an effective service delivery. Also state which member(s) of the consortium will be liable for the risks?
- d. Please explain the Consortia's approach to financial management for the delivery of services.
- e. Please explain how decisions will be made within the Consortia and how this decision will be communicated quickly and effectively through-out the consortia to ensure an effective service delivery.
- f. Please explain what processes are in place to manage the relationships between consortium members.
- g. Please state which member of the consortia will be responsible for contract management and how the process will work.

3. Evaluation

3.1 Evaluation Panels

Tender Evaluation Panels, representing relevant stakeholders, will be convened to evaluate the tender submissions and produce an agreed list of bidders to be invited to participate in the Council's Preferred Provider List for the provision of Community Hubs, day opportunities services for people with learning disability.

The panels will score the method statements using the scoring system set out below and will have the discretion to award half points.

Evaluation will comprise of:

- Evaluation of the tender submission;
- Evaluation of the pricing schedule submission.

3.2 Evaluation scoring

Each question on the method statement will be scored from 0-5 as follows:

No submission	0 points	Failed to submit a method statement or address question
Very Poor	1 point	A limited response with poor supporting evidence and lacks clarity
Poor	2 points	Answers meet some, but not all of the method statement's

		requirements. Lacks convincing evidence and understanding of the requirements.
Acceptable	3 points	Acceptable answer to the method statement. Answers are comprehensive and meet the required standards in all material aspects
Good	4 points	Answer demonstrates a real understanding and a detailed method statement
Excellent	5 points	Answers gives greater confidence than good and the method statement provides much more detail, is realistic and achievable and gives greater understanding then that of the good answer.

3.3 Word Limits

A strict word limit has been applied to each method statement question, to enable responses to be as concise and relevant as possible. Submissions must be kept to the maximum word limits as detailed at the top of each section. Any information that exceeds the word limits stated will be excluded from evaluation. For the absence of doubt, this means, for example, that if the word limit for a question is 500 words, evaluators will read the first 500 words of the answer and disregard anything beyond that limit. Unless requested, attachments should not be included and they will not be read or considered as part of the evaluation. This includes any policy and procedures that are referenced in the responses unless these have been explicitly requested in the relevant question.

3.4 Award Criteria

Successful bidders to the Preferred Provider list will be based on the most economically advantageous tender, taking into account quality, innovation, and price.

The listed weighted criterion will be considered in selecting shortlisted bidders with evaluation based on 45% Quality, 45% Price and 10% innovation.

The Pricing Schedule responses will be used to assess the financial viability of the tenderers service. Scores will be allocated to each tenderer based upon the submitted price in the Pricing Schedule.

The total score for each section of the method statement will be weighted by the relevant weighting factor (as shown in the tables below), in accordance with the award criteria, to give a final score. The weighting given to each individual question is shown in Appendix 1.

This final score will be combined with the final score arising from the evaluation of the Pricing Schedule, and the combined scores used to identify the most economically advantageous tenders for inclusion in the Preferred Provider List.

Criterion	Sub criteria	Weighting
Quality, performance and outcomes	<ul style="list-style-type: none"> • Effective systems to measure quality, performance and outcomes. • Commitment to and systems for ensuring high quality services and continuous improvement. • Demonstrates a commitment to the promotion of fair 	8%

	access and inclusion.	
Sustainability and deliverability	<ul style="list-style-type: none"> • Appropriate infrastructure including a building (Hub) to be able to deliver services effectively, flexibly and responsively across the Borough. • Demonstration of effective training and appropriately qualified staff. • Knowledge of the issues relating to staff transfers. • Appropriate experience in implementing effective. Strategies for disengagement/ throughput. 	8%
Community benefit and added value	<ul style="list-style-type: none"> • Demonstration of an ability to deliver sensitive and appropriate services to the diverse communities of the Borough. • Commitment to employment of local people. • Demonstration of how a contribution will be made to the community infrastructure in the Borough. • Demonstration of the unique characteristics of the organisation which will add value for users and commissioners. • Engagement with stakeholders, family and carers 	8%
Safeguarding	<ul style="list-style-type: none"> • Commitment to ensuring service users are free from physical and emotional abuse, harassment and neglect. 	6%
Specialist knowledge	<ul style="list-style-type: none"> • Demonstration of a commitment to and experience of working in partnership at a local level with a range of stakeholders in the community. • Demonstration of effective training and appropriately qualified staff. • Experience of supporting and working with transition service users and stakeholders • Understanding and experience of delivering sensitive and appropriate services in relation to specific situations, including: <ul style="list-style-type: none"> ○ Individuals with learning disability ○ Complex disabilities with health needs ○ Autism ○ Delivering services with and in the community • An understanding of how to achieve the outcomes specified in the service specification. 	15%
Innovation	<ul style="list-style-type: none"> • Demonstration of how services will respond to the developing opportunities of the personalisation agenda and deliver increased flexibility, choice control for service users. • Explanation of the service models that will be utilised to enable personalised services to be delivered; Hub space, what standards will be applied and what changing experiences can service users expect. • Evidence of developing innovative services incorporating 	10%

	technology and tools to support none verbal communication.	
Price	<ul style="list-style-type: none"> • Cost per day based on staffing ratios being 2:1, 1:1, 1:2 and 1:3 • Minimum hourly rates of pay for staff • Proportion of daily rate attributable to direct care staff costs • Proportion of daily rate attributable to service running costs 	45%

1. Core Questions for Consortia Bids:

Consortia bids must also answer the questions listed in the table below. It should be noted that whilst the answers to the questions below will not form part of the overall evaluation process, they will be assessed to determine the consortium's overall ability to deliver services under the contract. These questions have therefore been weighted as pass or fail and as such a failure to satisfactorily answer any of the questions below may result in the consortium bid not being accepted for evaluation.

All core questions need to be answered and are assessed with a pass or fail criteria. A fail will preclude the provider from continuing further with the tender process.

Please submit your response to all questions below on separate sheets with the question reference number clearly identified on each sheet taking into account the word limit set for each question.

Consortia Model	Word Count	Weighting
What legal form will be taken by the consortia in the delivery of the service?	500 words	Pass or Fail
Explain how the model stated above will work to deliver the service. Within your response please outline the management structure and the responsibilities of each of the consortium members for the delivery of the service within this model.	500 words	Pass or Fail
What do the consortia perceive to be the risks associated with the model of delivery stated in b and how do the consortia propose to manage /mitigate the risks to ensure an effective service delivery? Also state which member(s) of the consortium will be liable for the risks?	500 words	Pass or Fail
Please explain the Consortia's approach to financial management for the delivery of services	500 words	Pass or Fail
Please explain how decisions will be made within the Consortia and how this decision will be communicated quickly and effectively through-out the consortia to ensure an effective service delivery.	500 words	Pass or Fail
Please explain what processes are in place to manage the relationships between consortium members.	500 words	Pass or Fail
Please state which member of the consortia will be responsible for contract management and how the process will work.	500 words	Pass or Fail

2. Core Questions for all bids:

2.1 Instructions for completing the Response sheet for core questions for all bidders (Appendix 2)

- a. Please answer every question. Failure to do so may result in your application being disqualified. If the question does not apply to you please write N/A; if you don't know the answer please write N/K.
- b. Please complete the response sheet specifically for your organisation not for the Consortia if you are part of a group of companies.
- c. Please include, where requested, any supporting documents, marking clearly on all enclosures the name of your organisation and the number of the question to which they refer. Excess information such as corporate brochures, attachments not requested for, and pictures must not be submitted / inserted in your response sheet. This may result in your application being rejected.
- d. Please return this response sheet with your tender return documentation via the Council's e-tendering system – hard or email copies **will not be accepted**. **All submissions must be returned in exactly the same format as issued.**
- e. In some circumstances contract funding dictates specific previous experience and/ or qualifications, if you can not provide evidence of said requirement, we will **NOT** be able to consider your application. This requirement will be highlighted where applicable.
- f. For the purposes of this questionnaire the term "Authority" means the purchasing organisation that is seeking to award a contract. "Organisation" covers Sole Traders, Partnerships, Co-operatives, Public Limited Companies, Private Limited Companies and Voluntary Organisations. "You"/ "Your" or "Potential Provider" means the business or company which is completing this response sheet.
- g. **Verification of Information Provided:**
 - g.1 The higher the risk of the procurement, the higher the level of verification is likely to be required. Not all questions require supporting documents up front at this stage. **However, the authority may ask to see these documents at a later stage, so it is advisable you ensure they can be made available upon request.** You may also be asked to clarify your answers or provide more details about certain issues.
- h. **Sub Contracting Arrangements**
 - h.1 Where a sub-contracting approach is proposed, all information requested should be given in respect of the prime contractor. Where sub-contractors will play a significant role in the delivery of the services or products under any ensuing contract, please indicate in a separate annex (by inserting the relevant company/organisation name) the composition of the supply chain, indicating which member of the supply chain will be responsible for the elements of the requirement. It is vital all subcontracting details are provided.
It is recognised that arrangements in relation to sub-contracting may be subject to future change. However, Potential Providers should be aware that where sub-contractors are to play a significant role, any changes to those sub-contracting arrangements may constitute a

material change and therefore may affect the ability of the Potential Provider to proceed with the procurement process or to provide the goods and/or services

i Consortia Arrangements

- i.1 If the Potential Provider bidding for a requirement is a consortium, the following information must be provided:
- full details of the consortium; and
 - the information sought in this response sheet in respect of each of the consortium's constituent members as part of a single composite response.

Potential Providers should provide details of the actual or proposed percentage shareholding of the constituent members within the consortium in a separate Annex. If a consortium is not proposing to form a corporate entity, full details of alternative proposed arrangements should be provided in the Annex. However, please note the Authority reserves the right to require a successful consortium to form a single legal entity in accordance with regulation 28 of the Public Contracts Regulations 2006.

The Authority recognises that arrangements in relation to consortia may (within limits) be subject to future change. Potential Providers should therefore respond in the light of the arrangements as currently envisaged. Potential Providers are reminded that any future proposed change in relation to consortia must be notified to the Authority so that it can make a further assessment by applying the selection criteria to the new information provided.

- i.2 Where the proposed prime bidders are a special purpose vehicle or holding company, the information should be provided of the extent to which it will call upon the resources and expertise of its members.

j Communications

- j.1 All questions and queries about the procurement procedure must be submitted via the ***question and answer facility on the Councils e-tendering system*** – https://www.londontenders.org/procontract/supplier.nsf/frm_home?openForm

2.2 Evaluation of core questions for all bidders (Appendix 2)

Section A is for information only and will not be scored

- 2.2.1 Economic and financial standing **sections C of the questionnaire**. The Council will use the information provided to carry out an appraisal of the Applicant's financial position and therefore determine the level of risk that it would represent to the Council. This will involve independent financial checks. This section will be assessed as a PASS / FAIL. Bidders who fail this section will be excluded from further consideration in the procurement process.
- 2.2.2 Grounds for mandatory and discretionary rejection. **Sections B = PASS / FAIL** Bidders who fail this section will be excluded from further consideration in the procurement process.
- 2.2.3 Equality & Diversity **section D =Pass / Fail**
- 2.2.4 Health & Safety **Section E = Pass / Fail**

In sections D and E please note that if your organisation has had a judgement, prosecution or prohibition notices against it which has not been rectified, your organisation may be excluded from the procurement process

3. Quality and Innovation Questions for all bidders;

Please submit your response to all questions in the method statement on separate sheets with the question reference number clearly identified on each sheet taking into account the word limit set for each question.

METHOD STATEMENT		Word limit	Weight
Section A - Quality, Performance and Outcomes			
A1 Effective systems to measure quality, performance and outcomes.	What outcome measuring tools will your organisation use to demonstrate the benefit of using this service to both service users and commissioners?	500 words	3%
A2 Commitment to and systems for ensuring high quality services and continuous improvement	Please provide a case study that demonstrates how you have identified and addressed poor performance in service delivery, giving details of organisational systems that underpin your approach.	500 words	2%
A3 Demonstrates a commitment to the promotion of fair access and inclusion	Please explain how your organisation promotes equality and makes tangible progress in the area of diversity. Illustrate your answer with examples demonstrating effective achievements in this area for both staff and service users.	500 words	3%
			8%

Section B - Sustainability and deliverability			
B2 Appropriate infrastructure to be able to deliver in the selected geographic area/s	Please detail how you will effectively and responsively deliver services in the Borough, including building space already in place, and how you will address the requirement to ensure developing a community service working in partnership with stakeholders and local services to deliver a holistic service.	500 words	3%
B3 Ability to effectively manage service transfers	How will you ensure that any referrals and move on from services are coordinated and supported using a multi disciplinary approach. Please provide a specific example where possible.	500 words	3%
B4 Demonstration of effective training and appropriately qualified staff.	What systems does your organisation have in place to ensure that training is effective and implemented in everyday practise? How are the changing needs of service users reflected in training and development plans for staff?	500 words	2%
			8%

Section C - Community benefit and added value			
C1 Demonstration of an ability to deliver sensitive and appropriate services to the diverse communities of the Borough.	Please describe how you will ensure that issues of language, culture and ethnicity are managed sensitively and appropriately across the diverse communities living in the Borough.	750 words	2%
C2 Commitment to employment of local people.	C1 What part will the employment of local people play in your approach to ensuring the delivery of sensitive and appropriate services to the diverse communities in the Borough?	500 Words	2%
	C2 What part will the training and employment of volunteers including service users' play in the delivery of services including training and employment opportunities within services and through partnerships?	500 words	2%
C3 Demonstration of the unique characteristics of the organisation which will add value for users and commissioners.	What is unique about your organisation, and how will this add value for service users and commissioners?	500 words	2%
			8%

Section D - Safeguarding			
D1 Commitment to ensuring service users are free from physical and emotional abuse, harassment and neglect	How will you ensure that care staff and managers are able to recognise, identify and respond appropriately to signs of possible abuse of individuals?	750 words	6%
			6%

Section E - Specialist knowledge			
E1 Demonstration of a commitment to and experience of working in partnership at a local level.	E1a Please provide an example of how staff in your organisation has successfully worked in partnership with other agencies at a local level to deliver high quality care and support to individuals.	500 words	2%
	E1b Please provide an example of how you have been able to link in with colleges, employment opportunities and leisure to support individuals support plans and aspirations flexibly.		2%
E2 Demonstration of effective training and appropriately qualified staff.	Please provide detail of the training and development opportunities delivered to your staff over the last 12 months in the following areas: <ul style="list-style-type: none"> • Person centred support planning • Safeguarding 	500 words	3%

	<ul style="list-style-type: none"> • Communication and engagement • Challenging behaviour • Autism • Supporting none verbal communication 		
E3 Understanding and experience of delivering sensitive and appropriate services in relation to specific situations, including: <ul style="list-style-type: none"> • Learning disabilities • Autism • Complex disabilities 	E3a Please provide detail of how your organisation would deliver with an integrated approach working with a range of stakeholders in the community to provide sensitive and appropriate support to individuals in two of the three situations listed here. You may use case examples in answering this question if appropriate.	750 words	3%
	E3b Please give an example of how you would/have been able to maximise independence for service users linking in with transport, technology and flexible staffing arrangements.		3%
E4 An understanding of how to achieve the outcomes specified in the service specification.	Please provide a case study (of your choosing) and describe how in that example your model of care would deliver the outcomes specified in the service specification. Note: the case study description can be up to 200 words in addition to the 500 word limit for the answer.	500 words	2%
			15%

Section F - Innovation			
F1 Demonstration of how services will respond to the developing opportunities of the personalisation agenda and deliver increased flexibility and control for service users.	F1a How will you ensure that the service you deliver is sufficiently flexible to support user choice in when and how the service is provided?	600 words	4%
	F1b How will your service model support service users to access community facilities outside of their home promoting independence?	500 words	3%
	F1c What will change for service users as a result of your service model? Please provide an example from existing practice where possible and how this has been evidenced.	500 words	3%
			10%

Pricing Schedule			
Price	Cost per day 2:1		
	Cost per day 1:1		
	Cost per day 1:2		
	Cost per day 1:3		

	Cost per half day		
	Please specify the model of service to be delivered within the price submitted		45%

Please submit your tendered rates and prices in the Pricing Schedule attached and refer to 8.11 in the draft service specification.

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Agenda Item 10.1

Committee/Meeting: Cabinet	Date: 3 rd October 2012	Classification: Unrestricted	Report No: (CAB 043/123)
Report of: Isabella Freeman, Assistant Chief Executive (Legal)		Title: Reviewing how community Arts and Events promote the principles of One Tower Hamlets	
Originating officer(s) Paul Gresty, Strategy, Policy and Performance Officer – One Tower Hamlets, Chief Executive's		Wards Affected: All Wards	

Lead Member	Cllr Rania Khan – Lead Member for Culture
Community Plan Theme	One Tower Hamlets, A Great Place to Live
Strategic Priority	Stronger and more cohesive communities Locally focused services empowering local people

1. **SUMMARY**

- 1.1 This report submits the report and action plan in response to the review recommendations of the scrutiny challenge session on how Arts and Events promote the principles of One Tower Hamlets held in March 2012.

2. **DECISIONS REQUIRED**

The Mayor and Cabinet are recommended to:

- 2.1 Consider the report of the scrutiny challenge session and agree the action plan in response to the review recommendations.

3. **REASONS FOR THE DECISIONS**

- 3.1 The Arts and Events team play a key role in delivering the One Tower Hamlets principles in practice and celebrating the rich diversity of cultures and communities within the borough. The review group was established to look into how effectively the Arts and Events team were delivering this in practice.

The Scrutiny Session highlighted that the Arts and Events team are delivering the One Tower Hamlets principles in practice. The Scrutiny panel did put forward a small number of recommendations which are achievable at little additional cost to the organisation. A timetable for delivering the recommendations has been agreed by the Service Head for the Arts and Events Service. These are highlighted in the report.

4. ALTERNATIVE OPTIONS

- 4.1 The Mayor and Cabinet can choose not to endorse the recommendations and action plan of this review or to agree a modified action plan. Any proposed modifications may need to be the subject of further analysis prior to adoption.

5. BACKGROUND

- 5.1 The aim of the challenge session was to increase member understanding and scrutiny of how arts and events, delivered by the Arts and Events team, promote the principles of One Tower Hamlets. In particular, how arts and events strengthen community cohesion and build community leadership.

6. BODY OF REPORT

- 6.1 The challenge session highlighted the work that the Arts and events team had undertaken on delivering the One Tower Hamlets principles in practice. The full report and action plan are provided at Appendices 1 and 2. The four recommendations put forward by the Overview and Scrutiny Committee are as follows:

Recommendation 1

That the Arts and Events team assess the feasibility of attracting Corporate sponsorship in the future for free to access events in parks.

Recommendation 2

That the Arts and Events service share knowledge and experience of delivering arts based events to help build the capacity of smaller community organisations.

Recommendation 3

More informed approach to event delivery to focus on under represented groups or communities.

Recommendation 4

The use of Arts to tackle inequality and promote employment opportunities.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 The Council's funding from central government has reduced since 2010-11 and will continue to reduce over the next four years. This will therefore affect any recommendations agreed and any additional costs that arise from the recommendations must be contained within directorate revenue budgets. Consequently, officers will be obliged to seek the appropriate financial approval before further financial commitments are made.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1 The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants and may make reports and recommendations to the Executive in connection with the discharge of any functions.

It is consistent with the Constitution and the statutory framework for the Executive to provide a response.

- 8.2 The Council has power under section 145 of the Local Government Act 1972 to provide entertainment, facilities for entertainment and to develop the knowledge, understanding and practice of the arts and crafts which serve the arts. The Council is obliged by section 507B of the Education Act 1996, so far as reasonably practicable, to secure access for qualifying young people in Tower Hamlets to sufficient educational and recreational leisure-time activities for the improvement of their well being and sufficient facilities for such activities. A qualifying young person is someone aged 13 to 19. In the case of persons with learning difficulties, the age range is extended to ages 20 to 24.
- 8.3 Some recommendations in the report deal with matters incidental to the discharge of the Council's functions. By virtue of section 111 of the Local Government Act 1972, the Council has power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. This may involve expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights.
- 8.4 The report contains a specific recommendation in respect of sponsorship. Whether or not sponsorship is appropriate for a particular event or programme will have to be assessed in each case and reflected in a written agreement.
- 8.5 The report aligns its recommendations with the theme of One Tower Hamlets expressed in the Tower Hamlets Community Plan. The Community Plan sets out the Council's sustainable community strategy within the meaning of section 4 of the Local Government Act 2000. It is consistent with good administration for the Council to have regard to this strategy in determining the exercise of its functions.
- 8.6 The report recommends analysis of events by reference to the protected characteristics under the Equality Act 2010. This may be consistent with the Council's equality duty under section 149 of the Equality Act, pursuant to which the Council must, in the exercise of its functions, have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't.

9. ONE TOWER HAMLETS CONSIDERATIONS

The Arts and Events team play a key role in delivering the One Tower Hamlets principles in practice and celebrating the rich diversity of cultures and communities within the borough.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

The recommendations have little impact on sustainable action for a greener environment.

11. RISK MANAGEMENT IMPLICATIONS

Risks relating to the recommendations will be monitored through the council's corporate risk register and directorate risk registers if applicable. Risks are assessed for likelihood and impact, and will have responsible owners and programmes of mitigating actions.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

There are no direct implications of crime and disorder as a result of the recommendations of this review.

13. EFFICIENCY STATEMENT

A recommendation was made around attracting corporate sponsorship to attract income via corporate sponsorship that could be used in other areas of the business.

14. APPENDICES

Appendix 1 – Scrutiny Report

Appendix 2 – Scrutiny Challenge Session Action Plan

Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

List of “Background Papers” used in the preparation of this report

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
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None

APPENDIX ONE

**Reviewing how community Arts and Events promote the principles of One
Tower Hamlets**

Scrutiny Challenge Session Report



**London Borough of Tower Hamlets
April 2012**

1. INTRODUCTION

- 1.1 This report provides a summary of the scrutiny challenge session on how community arts and events promote the One Tower Hamlets principles of strengthening cohesion and building community leadership.
- 1.2 The session was facilitated by Paul Gresty from the One Tower Hamlets service on behalf of the scrutiny lead for the Communities, Localities and Culture (CLC) Directorate, Cllr Zenith Rahman. The session was attended by the Chair of Overview and Scrutiny Committee, Cllr Ann Jackson as well as Frances Jones, Service Manager for One Tower Hamlets and Stephen Murray, Head of Arts and Events.

2. BACKGROUND

- 2.1.1 The Arts and Events team promotes the use of arts as a leisure activity, as a source of employment and training, and as a tool for social cohesion and inclusion by:

- Ensuring arts services broadly reflect the multi-cultural needs of the community
- Ensuring access to the arts is available to all those living, working or studying in Tower Hamlets
- Contributing to the Community Plan, Tower Hamlets Partnership objectives and central government targets through arts programmes
- Providing support to voluntary sector arts organisations
- Providing information on arts activities taking place in and around the borough
- Working in partnership with neighbouring boroughs and the Arts Council to maximise resources and funding
- Supporting festivals and events to improve the quality of people's lives, promote community cohesion, bring visitors to the borough and contribute to local economies
- Administering a grants scheme for festivals
- Supporting new and emerging filmmakers
- Managing and maximising use of the Brady and Kobi Nazrul Centre

- 2.2 The Arts and Events team play a key role in delivering the One Tower Hamlets principles in practice and celebrating the rich diversity of cultures and communities within the Borough. One Tower Hamlets is a desire to build a borough in which everyone has an equal stake and status and have the same opportunities as their neighbours. One Tower Hamlets also means bringing different parts of the community together; encouraging positive relationships and tackling divisions through strong leadership and involving people in decision making. The three principles of One Tower Hamlets are to:

- Tackle inequality
- Strengthen cohesion
- Build community leadership

- 2.3 The One Tower Hamlets service works closely with the Arts and Events team and in 2011/12 provided financial support for the following events:

- | | | |
|-------------------------------------------|------|-------|
| • Black History Month brochure & outreach | 2011 | £9625 |
| • Black History Month ring-fenced events | 2011 | £5000 |

• St George's day events	2011	£3500
• Divali fireworks display	2011	£1500
• Martyrs Day events	2012	£7500
• Christmas Tea Dance	2011	£2000
• Lesbian, Gay, Bisexual and Transgender Film programme for East End Film Festival	2012	£5500
• Holocaust Memorial Day	2012	£3000
• Chinese New Year	2012	£2000
• Praxis Human Rights Day	2011	£1500

3. PURPOSE

3.1 Challenge sessions are designed as a one-off way of updating participants on the key points of a particular area of work. A challenge session offers Members the opportunity to develop their understanding of a specific topic and express their views and put forward recommendations. The purpose of this scrutiny challenge session was:

- To increase members' understanding of how arts and events, delivered by the Arts and Events team, promote the principles of One Tower Hamlets. In particular, how arts and events strengthen community cohesion and build community leadership
- To evaluate work that has been undertaken by the Arts and Events team around strengthening cohesion and building community leadership in the borough
- To give members the opportunity to express their views and put forward recommendations

3.2 The session focused on three questions:

- What events have been funded in the last year and what were their aims?
- How do events funded via the Arts and Events team strengthen cohesion in the borough?
- How does the Arts and Events team build capacity of community organisations in Tower Hamlets?

4. KEY DISCUSSION POINTS AND RECCOMENDATIONS

4.1 *Balancing corporate and community events*

The Arts and Events team work with the local community to help build their capacity to deliver events across the borough by:

- Providing advice on how to deliver safe and well organised events
- Producing and maintaining an online event toolkit for applicants as a reference tool
- Simplifying processes and procedures by tailoring application forms for street parties to take place
- Arts and Events also directly manage and deliver key council events for a diverse community

4.2 There was a discussion about the use of parks and community spaces to generate income which could then be used to further support other smaller community organisations to deliver events. There was a view that the team could explore the possibility of this cross-fertilisation, whereby the Arts and Events team could use income generated from public events to support other areas such as training.

- 4.3 In terms of continuing to promote community cohesion and build community leadership the Arts and Events team could 'sound out' local organisations and employers to assess the feasibility of attracting corporate sponsorship, particularly for larger events held in parks and open spaces. This may free up the arts fund to enable it to fund/deliver a broader range of community events around the borough.

Recommendation 1:

That the Arts and Events team assess the feasibility of attracting corporate sponsorship in the future

- 4.4 *Strengthening cohesion and building community leadership*
The Arts and Events team work with the local community to help build their capacity to deliver events in various community settings. The team provide strategic liaison and advice on how to deliver safe and well organised events and maintain an online event toolkit for applicants as a reference tool. In order to build on the positive work done to date and empower local communities to apply for funding, the team has simplified the processes and procedures for events such as street parties and other community events held in public spaces. This enables even the smallest local organisation to run events and be considered for funding.
- 4.5 In 2010/11 the team processed 127 event applications and supported 56 additional expressions of interest. Where an application is not successful, the team will work with the community organisation, supporting them to improve their application to enable them to bid for future funding.
- 4.6 The team also allocates an events fund of small grants for high quality public events and festivals, which are accessible to and of benefit to the community.
- 4.7 In 2010/11, 46 organisations were funded, with grants ranging from £300 to £2500. The events fund aims to improve access to arts based events and encourages good practice in terms of arts delivery. It enables arts activities to be delivered where few would exist without the fund. It has helped to improve the quality of festivals and events in Tower Hamlets and extend the potential of events to develop audiences, encourage participation and increase community involvement. It has allowed for more adventurous or ambitious programming with the aim of promoting community cohesion and community leadership.
- 4.8 The Arts and Events team work collaboratively with a number of local arts partnerships including:
- Brick Lane Circle
 - Cardboard Citizens
 - Community Music
 - Kinetika Art Links International
 - Love Mosaic
 - Soyttten Sen
 - Soulfire Theatre
 - Spitalfields Music
 - Tamarind Theatre Co
 - Tower Hamlets Lifelong Learning Service
 - Udichi
- 4.9 There was a discussion about whether the service could increase the amount of networking it undertakes with local community organisations in the borough. The

development of a community forum or network for local arts based organisations may further empower and build the capacity of smaller local community organisations and promote community development. The forum could focus on leading discussions around current issues for the local arts sector and what support and networks they would find useful. This would promote community inclusion as well as cohesion as the Arts and Events team could share knowledge and experience with smaller arts organisations.

Recommendation 2:

That the Arts and Events team support the creation of a forum or network to promote more collaborative working between different community organisations and local arts partnerships.

4.10 *Promoting Community Cohesion, Inclusion and Access*

The team have been nationally recognised for the work they have undertaken around accessibility and tackling inequality for disabled people in participating in and enjoying events. A code of practice has been implemented which ensures that all outdoor event has disabled access, including viewing platforms and designated areas for wheelchair users. The team has supported the artistic development of Heart n Soul - a leading disability arts organisation - through providing a platform for showcasing performance including music, dance, theatre and art.

4.11 The team deliver a diverse range of events that are cross cultural and encourage communities to work together. In 2010/11 they delivered or supported events such as Black History Month, Diwali, St Georges Day, Martyrs Day, and the East End Film Festival that focused on celebrating the achievements of the Lesbian, Gay, Bi-sexual and Transgender community in Tower Hamlets as well as events for the elderly. The aim of these events was to raise awareness of the diversity of Tower Hamlets and that it is one of its major strengths. As the events are cultural, they are open to all members of the community and give people an opportunity to meet people from different backgrounds and to learn about other cultures.

4.12 Participants stressed the important role that arts and community events play in building community cohesion in a borough such as Tower Hamlets. Going forwards, it was agreed it was crucial to engage and involve all communities to deliver and participate in community events, particularly new communities.

Recommendation 3:

That the Arts and Events team analyse what events they have delivered or supported over the last couple of years, possibly in each LAP area and equality group. This would help the team to identify if any communities have been overlooked and help them to focus on which communities they could support each year, either directly or indirectly in the form of a grant.

4.13 *Supporting Young People and Progression Routes*

The team are involved in youth arts provision. Since 1979, the A' Arts Team have been the arts provider for the youth service in Tower Hamlets. Two full time staff and 70 specialist arts workers support young people to deliver project based workshops in performing arts, fashion and textiles, visual arts and music.

4.14 The table below shows how the Arts and Events team exceeded key performance indicator targets in 2010/11.

Key performance indicator	Number of contacts with young people	Number of participants involved with the service	Recorded Outcomes	Accredited Outcomes
Target	762	457	264	63
Actual	1004	680	482	67

4.15 The Arts and Events team works with a diverse range of young people and play a key role in uniting different communities via creative and interesting arts events. In contrast to other youth provision the Brady Centre is viewed by young people in the borough as an arts centre, not a community centre. This may explain why the centre attracts a more even split of young men and women who otherwise tend to attend different youth service activities and venues. There is also a relatively even split between different ethnic groups attending the centre and activities.

- White 16.3%
- Asian 22.3%
- Black 18.1%
- Mixed dual heritage 11.6%
- Other ethnic 15%
- Refused to say 16.7%

4.16 There was a discussion around using the arts to change lives by developing skills and experience and give young people aspirations in terms of future careers. Giving young people a practical experience of the arts could empower them to see it as a future career. The arts could become away of tackling inequality and further building community leadership.

Recommendation 4:
That the Arts and Events team work with local arts based employers and organisations, as well as universities and colleges offering arts based courses over the next three years, to use the arts as a progression route for young people.

5. CONCLUSION

5.1 The Challenge Session was an opportunity for members to discuss arts and events delivered in the borough and how they can continue to strengthen community cohesion and build community leadership. It is proposed that the Arts and Events team consider the recommendations above as part of discussions around the future direction of the service.

Appendix Two

SCRUTINY CHALLENGE SESSION ACTION PLAN – Arts and Events			
Recommendation	Response / Comments / Action	Responsibility	Date
R1. That the Arts and Events team assess the feasibility of attracting Corporate sponsorship in the future for free to access events in parks	The Arts and Events team will identify possible corporate sponsors across the borough and liaise with them on the feasibility of them financially supporting events delivered in parks and open spaces across the borough	Steve Murray Head of Service, Arts and Events	January 2013 onwards
R2. That the Arts and Events service share knowledge and experience of delivering arts based events to help build the capacity of smaller community organisations	The Arts and Events service support collaborative working between the community and arts sector through its arts development work streams and an annual open to all meeting with community led agenda	Steve Murray Head of Service, Arts and Events	January 2013 onwards
R3. More informed approach to event delivery to focus on under represented groups or communities	The Arts and Events team analyse events they have supported and funded over the last two years, identifying under represented groups, and developing an outreach programme to make the service provision more inclusive.	Steve Murray Head of Service, Arts and Events	January 2013 onwards
R4. The use of Arts to tackle inequality and promote employment opportunities	That the Arts and Events team work with local arts based employers and organisations, as well as universities and colleges offering arts based courses over	Steve Murray Head of Service, Arts and Events	January 2013 onwards

	the next three years, to use the arts as a progression route for young people.		
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Agenda Item 12.1

Committee: Cabinet	Date: 3 rd October 2012	Classification: Unrestricted	Report No: (CAB 044/123)
Report of: Corporate Director Resources Originating officer(s) Oladapo Shonola Chief Financial Strategy Officer; Lisa Stone Finance Officer		Title: Exercise of Corporate Directors' Discretions Wards Affected: All	

1. **SUMMARY**

- 1.1. This report sets out the exercise of Corporate Directors' discretions under Financial Regulation B8 which stipulates that such actions be the subject of a noting report to Cabinet if they involve expenditure between £0.100 million and £0.250 million.

2. **DECISIONS REQUIRED**

The Mayor in Cabinet is recommended to:-

- 2.1 Note the exercise of Corporate Directors' discretions as set out in Appendix 1.

3. **REASONS FOR DECISIONS**

- 3.1 Financial Regulations requires that regular reports be submitted to Council/Committee setting out financial decisions taken under Financial Regulation B8.
- 3.2 The regular reporting of Corporate Director's Discretions should assist in ensuring that Members are able to scrutinise officer decisions.

4. **ALTERNATIVE OPTIONS**

- 4.1 The Council is bound by its Financial Regulations (which have been approved by Council) to report to Council/Committee setting out financial decisions taken under Financial Regulation B8.

4.2 If the Council were to deviate from those requirements, there would need to be a good reason for doing so. It is not considered that there is any such reason, having regard to the need to ensure that Members are kept informed about decisions made under the delegated authority threshold and to ensure that these activities are in accordance with Financial Regulations.

5. BACKGROUND

5.1 Regulation B8 sets out the Cabinet Reporting Thresholds for specific financial transactions.

6. FINANCIAL REGULATION B8

6.1 Financial Regulation B8 sets out the reporting thresholds for the following financial transactions: -

Virements

Capital Estimates

Waiving Competition Requirements for Contracts and Orders (Subject to EU threshold)

Capital Overspends

Settlement Of Uninsured Claims

6.2 Under Financial Regulation B8, if the transaction involves a sum between £0.100 million and £0.250 million it can be authorised by the Corporate Director under the scheme of delegation but must also be the subject of a noting report to the next available Cabinet.

6.3 Appendix 1 sets out the exercises of Corporate Directors' discretions, under the stipulations in 4.2 above, that have taken place since the previous Cabinet

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

7.1 The comments of the Director of Resources have been incorporated into the report and Appendix.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1. The report sets out the individual exercises of Directors' Discretions as required by Financial Regulations.
- 8.2 The legal implications of each of the individual decisions would have been provided as part of the decision making process. These will be recorded on the "Record of Corporate Directors' Actions" maintained by Directorates
- 8.3 The procedure for recording and reporting Corporate Director's Actions has recently been revised and strengthened. All proposed actions where the value exceeds £100,000 are now required to be agreed with the Mayor prior to officer's sign off and approval. The revised procedure came into effect in December 2011.

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 This report is concerned with the notification of officers' discretions under Standing Orders and has no direct One Tower Hamlets implications. To the extent that there are One Tower Hamlets Considerations arising from the individual actions, these would have been addressed in the records of each action.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 There are no Sustainable Action for A Greener Environment implications arising from this report.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 The risks associated with each of the Corporate Directors' discretions as set out in Appendix 1 would have been identified and evaluated as an integral part of the process, which lead to the decision.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 There are no Crime and Disorder Reduction Implications arising from this report.

13. EFFICIENCY STATEMENT

- 13.1 The works referred to in the report will be procured in line with established practices, taking account of best value.

14. APPENDICES

Appendix 1 – Exercise of Corporate Directors’ Discretions under Financial Regulation B8

Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

List of “Background Papers” used in the preparation of this report

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
Record of Corporate Directors actions	Stephen Adams, Finance and Resources Manager, Communities, Localities and Culture Ext. 5212

Appendix 1: Exercise of Corporate Directors Discretions under Financial Regulation B8

Corporate Director	Amount	Description of Exercise of Discretion	Justification for Action	Contractor's Name and Address (including postcode)	Contact
CLC (Ref:1219)	£100k	Waiving of Competition Requirements for grant allocation to the Shadwell Community Project for the delivery of the Glamis Adventure Playground. This approval is in excess of the noting report threshold of £100k.	Allocation of Section 106 resources in accordance with the Planning Agreement.	Shadwell Community Project 10 Glamis Rd Shadwell London E1W 3EG	Heather Bonfield – Service Head Culture (Ext 1667)

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