

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.34 P.M. ON TUESDAY, 3 NOVEMBER 2015

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

Members Present:

Mayor John Biggs	
Councillor Sirajul Islam	(Statutory Deputy Mayor and Cabinet Member for Housing Management & Performance)
Councillor Shiria Khatun	(Deputy Mayor and Cabinet Member for Community Safety)
Councillor Rachael Saunders	(Deputy Mayor and Cabinet Member for Education & Children's Services)
Councillor Rachel Blake	(Cabinet Member for Strategic Development)
Councillor Asma Begum	(Cabinet Member for Culture)
Councillor David Edgar	(Cabinet Member for Resources)
Councillor Ayas Miah	(Cabinet Member for Environment)
Councillor Joshua Peck	(Cabinet Member for Work & Economic Growth)
Councillor Amy Whitelock Gibbs	(Cabinet Member for Health & Adult Services)

Other Councillors Present:

Councillor Peter Golds	(Leader of the Conservative Group)
Councillor John Pierce	

Others Present:

Sarah Baker	(Independent Chair - Tower Hamlets Local Safeguarding Children's Board)
Brian Parrott	(Independent Chair - Tower Hamlets Local Safeguarding Adults Board)

Officers Present:

Luke Addams	(Interim Director of Adult's Services)
Nadir Ahmed	(Business Support Manager, Development and Renewal)
Andy Bamber	(Service Head Safer Communities, Crime Reduction Services, Communities, Localities and Culture)
Melanie Clay	(Director, Law Probity and Governance)
Zena Cooke	(Corporate Director, Resources)
Margaret Cooper	(Section Head Transport & Highways, Public Realm, Communities Localities & Culture)
Aman Dalvi	(Corporate Director, Development & Renewal)
Barbara Disney	(Service Manager, Strategic Commissioning, Adults Health & Wellbeing)

Ruth Dowden	(Complaints & Information Manager, Legal Services, Law Probity & Governance)
Stephen Halsey	(Corporate Director Communities, Localities & Culture)
Gulam Hussain	(Strategy, Policy and Performance Officer)
Debbie Jones	(Interim Corporate Director, Children's Services)
Paul Leeson	(Finance Manager, Development & Renewal)
Jackie Odunoye	(Service Head, Strategy, Regeneration & Sustainability, Development and Renewal)
Harriet Peacock	(EIA Officer, Planning and Building Control, Development and Renewal)
Tim Ross	(Deputy Team Leader - Pre-application Team, Development and Renewal)
Louise Russell	(Service Head Corporate Strategy and Equality, Law Probity & Governance)
Karen Sugars	(Interim Service Head, Commissioning and Health)
Ann Sutcliffe	(Service Head Corporate Property and Capital Delivery, Development and Renewal)
Will Tuckley	(Chief Executive)
Matthew Mannion	(Committee Services Manager, Democratic Services, LPG)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no Declarations of Disclosable Pecuniary Interests.

3. UNRESTRICTED MINUTES

DECISION

1. That the unrestricted minutes of the Cabinet meeting held on Tuesday 6 October 2015 be agreed and signed by the Chair as a correct record of proceedings subject to the addition, under Agenda Item 5.5 (CPO – Aberfeldy Estate Regeneration Programme Phase 3-6), of Councillor Sirajul Islam's request for clarification of the freehold or leasehold status of the Aberfeldy Islamic Cultural Centre.

4. OVERVIEW & SCRUTINY COMMITTEE

4.1 Chair's Advice of Key Issues or Questions

Pre-Decision Scrutiny Questions were tabled on the following agenda items:

- 5.6 – Tower Hamlets Safeguarding Children Board Annual Report 2014/15
- 5.7 – Tower Hamlets Safeguarding Adults Board Annual Report 2014/15
- 5.13 – Transparency Protocol

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

Nil items.

5. UNRESTRICTED REPORTS FOR CONSIDERATION

5.1 Civic Centre Project

The recommendations were amended and then agreed.

DECISION

1. To agree that the former Royal London Hospital site in Whitechapel is the preferred site location for a new civic centre;
2. To agree to retain and refurbish John Onslow House;
3. To agree to ring-fence the disposal receipts from Jack Dash House, LEB, Commercial Road, Albert Jacob House, Southern Grove, and Cheviot House to finance the new civic centre;
4. To note that officers will be bringing forward reports on the disposal of the above sites at the appropriate time;
5. That officers determine an appropriate continued commemoration of Jack Dash and Albert Jacob following the disposal of the properties;
6. To agree to the procurement of a multi-disciplinary design team to progress design development to detailed planning level (RIBA Stage 3) for both the former Royal London Hospital site and John Onslow House;
7. To agree to the scoping and procurement of site surveys (as required) for both the former Royal London Hospital site and John Onslow House;
8. To agree to engage legal and financial support as deemed necessary by officers, and as agreed by the Project Board, to support existing in-

house capacity and expertise in developing a procurement strategy and tender documentation;

9. To agree to investigate the financial viability of delivering a mixed-use scheme at LEB, including the provision of a One Stop Shop and/or Idea Store;
10. To endorse the development of a full business case in order to confirm a capital estimate and programme for the project;
11. To approve the funding for recommendation 5, adopting a capital estimate with a budget cap of £3.35m – representing 35% of budgeted professional fees (up to RIBA Stage 3) for both the former Royal London Hospital site and John Onslow House capital projects; and
12. To authorise the Corporate Director, Development and Renewal, after consultation with the Director of Law, Probity and Governance (or their nominee) to agree and enter into the terms and conditions of any agreements required to implement recommendations 2, 5, 6, 7 and 8 following compliant procurement exercises.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Service Head, Corporate Property and Capital Delivery (A. Sutcliffe))

Reasons for the decision

The current lease on Mulberry Place will expire in June 2020, requiring the council to decant from the building by September 2019. The landlord of the current offices at Mulberry Place, a private investor, has submitted a planning application for the redevelopment of the estate as a residential led scheme. It is understood that the application faces a number of significant challenges as it currently stands.

It should be noted that in recent months the council has been advised that the landlord is seeking to sell the site and the new owners may wish to continue operating the site as commercial office space, rather than pursuing a residential-led development. It is understood that contracts have been exchanged with a consortium including LaSalle Investments. This may allow the council to extend the lease but for reasons set out in section 2, this is not recommended.

By consolidating its operation on to a new civic centre, the council reduces the use of disparate and poorly-sited buildings, leading to reductions in inefficiencies and costs of operation.

A further justification for the consolidation of council administrative buildings onto a consolidated site is it allows the disposal of a number of sites for the capital receipts to cross fund the new development. All these disposals would then deliver affordable housing when bought forward as planning-compliant housing schemes.

Alternative options

There are two main alternative options available to the council

Remain In Mulberry Place

This alternative option is predicated on two factors that are out of the council's control: the sale of the East India Dock site by the current landlord, and the new landlord wishing to retain it as a commercial office space, rather than redeveloping it as a housing-led development.

If those two factors are realised, the council may be able to negotiate a new 25-year lease with the new landlord. This will require a £12.7m refurbishment package of Mulberry Place, Albert Jacob House and John Onslow House. This would also require the temporary decant of staff from Mulberry Place into Anchorage House (or other suitable space) for a period of up to 18 months. Jack Dash House would not require significant capital expenditure.

However, this would fail to satisfy a number of the project's objectives: the proposal would not increase the efficiency of the council's operation due to the number of sites that would be in use; it would not deliver year-on-year operational savings and would not deliver a civic centre in the heart of the borough. The delivery of housing (including affordable housing) will be reduced.

More detail is set out in paragraph 3.15 of the report.

LEB and Commercial Road New Build Option

Officers have carried out additional feasibility of both the Commercial Road site and the LEB site. Notwithstanding the retention of John Onslow House in all scenarios, a new-build option at either Commercial Road or the LEB site would not deliver sufficient workspace area based on the project assumptions. However, the delivery of two new-build schemes, on both sites, alongside the retention of John Onslow House, could deliver sufficient workspace to satisfy the project assumptions.

This option would require the delivery of a 5-storey new-build at LEB (£32.75m) and a 5-storey new-build at Commercial Road (£55m), at a cost of £87.75m. John Onslow House would be refurbished at a cost of £2.8m and the remaining surplus properties would be disposed of for housing development. This option is not recommended following a value for money options appraisal.

More information is contained in paragraphs 3.16 onwards of the report.

5.2 CPO Resolution: Burdett Estate, St Pauls Way Trust (Poplar HARCA)**DECISION**

1. To agree the making, confirming and implementation of a Compulsory Purchase Order (CPO) to include specific land interests that must be acquired to facilitate the redevelopment by Poplar HARCA of Burdett

Estate, to provide new educational facilities, housing and estate regeneration.

2. Subject to the Council entering into the Indemnity Agreement as described at recommendation 5., delegate to the Corporate Director of Development and Renewal, after consultation with the Director of Law Probity and Governance (or their nominee), the power to effect the making, confirming and implementation of the CPO and to take all necessary steps to give effect to the CPO in respect of the land shown edged red on the plan at **Appendix 1** to the report including, but not limited to, the following procedural steps:
 - 2.1 Acquiring all known interests in land and any additional interests identified through the land referencing process within the CPO boundary, as shown at **Appendix 1** to the report, either by private agreement or compulsorily, including those specific interests listed in **Appendix 2** to the report.
 - 2.2 Appointing land referencing agents, making the CPO, the publication and service of any press, site and individual notices and other correspondence for such making.
 - 2.3 Monitoring of negotiated agreements by Poplar HARCA with land owners or others as applicable, setting out the terms for withdrawal of any objections to the CPO, including where appropriate seeking exclusion of land or new rights from the CPO.
 - 2.4 Seeking confirmation of the CPO by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act 1981), including the preparation and presentation of the Council's case at any Public Inquiry which may be necessary.
 - 2.5 Publication and service of notices of confirmation of the CPO and thereafter to execute and serve any General Vesting Declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area.
 - 2.6 Issuing of General Vesting Declarations and/or Notices to Treat in respect of the land/interests within the area edged red on the plan at **Appendix 1** to the report and those listed at **Appendix 2** to the report.
 - 2.7 Referral and conduct of disputes, relating to compulsory purchase compensation, at the Upper Tribunal (Lands Chamber).

- 2.8 Transfer of any land interests compulsorily acquired by the Council to Poplar HARCA, for nil consideration, within a timescale to be agreed with Poplar HARCA.
3. To determine that the use of CPO powers is exercised after balancing the rights of individual property owners with the requirement to obtain vacant possession of the site.
 4. To determine that the interference with the human rights of the property owners affected by these proposals, and in particular their rights to a home and to the ownership of property, is proportionate, given the adequacy of their rights to object and to compensation, and the benefit to the economic, social and environmental well-being of the areas of Tower Hamlets affected by these proposals.
 5. To delegate to the Corporate Director, Development and Renewal, following consultation with the Director of Law Probity and Governance (or their nominee), the power to agree the terms of and enter into an Indemnity Agreement with Poplar HARCA which provides a framework for the respective obligations of the Council and Poplar HARCA in the promotion and application of powers, including an obligation for the Council to transfer the land to Poplar HARCA for nil consideration, and the ability for the Council to recover its costs in conducting and managing the CPO (subject to 6. below), including compensation costs to be paid.
 6. To note that costs incurred by the Council in managing the CPO will be underwritten by Poplar HARCA. However, an element of the scheme costs are attributable to the project costs of providing the school and will be included in the overall cost paid by the Council to Poplar HARCA as part of the separate agreement in respect of the provision of the school. This is to be funded as part of the Children's Services capital programme.

Action by:**CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)**

(Service Head for Strategy, Regeneration and Sustainability (J. Odunoye)

(Housing Regeneration Manager (N. McGowan)

(Project Officer, Housing Regeneration (A. Uddin)

Reasons for the decision

The proposed CPO was originally considered by the former Mayor in Cabinet on 23 July 2014 and was supported in principle. The CPO will progress the Mayor's regeneration aims by enabling the Council's registered provider partner, Poplar HARCA, to undertake an approved partnership project with the Council on Burdett Estate, which will redevelop two existing housing blocks and provide new homes and a much needed expansion of St Paul's Way Trust School, providing an additional 450 primary places.

Poplar HARCA has requested that the Council exercises its powers to make this CPO to safeguard land assembly across the proposed regeneration area, so that the scheme can be delivered in a timely and cost effective way, thus guaranteeing delivery of the school, new housing and other associated regeneration benefits for the community, whilst minimizing delays and the risk of additional costs.

The CPO process would run in tandem with Poplar HARCA's ongoing efforts to secure vacant possession voluntarily, helping to ensure that land interests can ultimately be acquired and that the redevelopment schemes can progress without indeterminate delays. The status of negotiations by HARCA with the affected land interests in each area is summarised later in this report. Negotiations will be reviewed regularly by Council officers, to ensure that HARCA continues to try to reach negotiated agreements with leaseholders and any other land interests, wherever possible.

As indicated in para. 3.1 the need for the CPO on Burdett Estate arises from a partnership between the Council, Poplar HARCA and St Paul's Way Trust School. This builds on existing local regeneration in which the partners have worked together. In September 2013 Cabinet agreed a recommendation to support the proposed expansion of St Paul's Way Trust School and a capital estimate was adopted to include the project in the ESCW capital programme. (Cabinet 11 September 2013, Planning for School Places, 2013/14 Review; ESCW Capital Programme 2013/16). The capital estimate was adjusted to £9.73m following a recommendation to Cabinet on 2 April 2014. A further Executive Decision on 15 October 2015 amended the capital estimate to £13,406,675.

Poplar HARCA has agreed proposals for this regeneration scheme with the Council and with the school. Based on the need for additional school provision in the locality, a scheme has been developed which received planning approval in March 2015. The Council is funding the capital costs of the school-related elements of the overall scheme. This is funded from specific capital grant from the DfE for additional school places. Part of the Council's costs will include a proportion of costs attributable to site assembly, (e.g. decant of existing residents).

The proposal is for the demolition of existing flats in Printon and Linton Houses (HARCA-owned blocks) and a mixed-use redevelopment, to include accommodation for the school on the ground floor, with mixed tenure housing above. This form of development has been successfully implemented elsewhere. The site is approximately 200m from St Paul's Way Trust School. The scheme will also include nursery class provision.

There is a steeply rising need for more school places in Tower Hamlets. Over the next 10 years approximately 5,000 more primary school places will be required. The Council has a statutory duty to provide school places. In recent years the Council has created more capacity from within its own assets.

The St Paul's Way Trust School proposal allows a partnership approach to create additional capacity as well as provide new homes. The Council will

fund the school elements of the capital costs of the redevelopment. The proposed development will allow the school to expand by adding 450 primary places. By this expansion the school will become an all-through school for 1,650 children aged 4-18 years. It allows the expansion of an outstanding and popular school to create places that the Council would not otherwise be able to create on the existing site of the school.

The school is in a priority area of the borough where there is considerable pressure on the available school places. The Council has limited options for expanding schools in the area. New residential developments have taken place and are proposed in this area of the borough. Where there are not enough local primary school places, children are not able to gain a place at their local school and will have to travel further to access a place. The school expanded from September 2014 and is using temporary accommodation in the Burdett Centre.

In the interim there has been extensive liaison with Poplar HARCA to review and monitor its negotiations with land interests, which have progressed well, and to prepare documentation for the CPO. It is now necessary to make the CPO to facilitate clearance of the site so that the permanent school provision can be constructed, with a view to starting on site as quickly as possible, subject to successful land assembly.

Any liabilities which the Council may assume in becoming the 'Acquiring Authority' by making the CPO will be indemnified by Poplar HARCA in an agreement which will set out the responsibilities and requirements of both parties and underwrite the Council's costs.

Alternative options

An alternative option is to NOT to agree to the proposed CPO. In this instance negotiations by Poplar HARCA with individual land interests would continue, but the absence of a back-up CPO process could potentially have negative impacts as follows:

- Risk to the land assembly, which cannot be guaranteed without resorting to compulsory purchase; thus development of the proposed new homes and the school extension would be jeopardised, or at the very least delayed. HARCA has stated that without a commitment from the council to use CPO powers to support the delivery of the land assembly, it may not be able to progress the scheme, as the cost risk will be too high.
- Potentially higher costs for HARCA, i.e. by necessitating acquisitions at a higher than market value, which in turn could reduce scheme funding or overall financial viability. A proportion of such additional costs would fall to the Council for the school-related element of the overall project.
- Uncertainty for tenants and leaseholders as to whether the scheme will progress, which will make it harder for them to make informed

decisions about their future, or to get alternative accommodation which meets their requirements.

- Without a statutory CPO there would be no obligation on Poplar HARCA to reimburse leaseholders' costs for reaching voluntary settlements, such as surveying and legal fees.
- The proposed expansion of St Paul's Way Trust School has been identified as a key scheme to provide additional, high quality school capacity in this area of the borough to meet the needs of local residents.
- There would be a risk that the much-needed school places could not be provided on this site and there may be additional costs incurred due to programme delays arising from decant issues: the need for additional school places in Tower Hamlets is significant and will continue for the foreseeable future.
- Many schools have been expanded on their existing sites but the opportunities for more such expansions are now very limited due to the restricted sites of many inner city schools.

Other options include securing site allocations through the strategic planning process and other agreements with developers. However because of the scale of the need for additional places (5,000 primary school places over the next 10 years), the Council has to keep several options under review and in progress in order to keep pace with the projected number of pupils requiring a school place each year. This includes working with partners on the potential for mixed-use development, as in this case. However, this scheme is an ideal opportunity to address key regeneration aims to improve housing and school provision.

5.3 Disposals Report - Southern Grove and Cheviot House

DECISION

1. To note the contents of this report;
2. To agree that the land and buildings referred to below (as shown on the plans in Appendix A) are surplus to requirements:
 - a. Cheviot House, 227 to 233 Commercial Road
 - b. 60 Southern Grove
3. To agree to the disposal of the sites by informal tender;
4. To agree to the disposal of the sites on 199 year leases;

5. To authorise the Corporate Director, Development & Renewal, to appoint external agents to support the marketing of the sites;
6. To authorise the Corporate Director, Development and Renewal to accept the best tender returns for the sites on conclusion of the marketing exercise; and
7. To authorise the Corporate Director, Development and Renewal, following consultation with the Director of Law Probity and Governance, to agree the terms and conditions of any agreements required to implement the recommendations above.

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Service Head, Corporate Property and Capital Delivery (A. Sutcliffe))

Reasons for the decision

It is important at a time of reducing funding and budgets in the public sector to ensure that efficiencies are driven through the running and/or disposals of the council's assets to reduce revenue costs.

The decisions in this report will contribute to the continual review and rationalisation of the council's assets, and help reduce the operational portfolio to the minimum required.

The disposals will generate capital receipts for the council, which can be reinvested and directed to its principal expenditure priorities. They will also reduce revenue expenditure on upkeep, maintenance and security.

The development of the properties will also bring empty and disused sites back into use. By taking constructive action in this way the borough is meeting its strategic enabling role in promoting regeneration, bringing derelict sites back into use and increasing the supply of housing.

Alternative options

The Council has considered developing the sites directly but it was considered that funding could be better directed towards alternative schemes in the borough. It is now proposed to let the market deliver the redevelopments.

Whilst it is possible to apply a sale condition whereby a minimum level of affordable housing must be provided this will have the effect of reducing the value and the capital receipt. Furthermore, if this condition requires the affordable housing to be provided for the benefit of the Council, this could trigger a Procurement and would need to be investigated and considered further in conjunction with the Council's Legal and Procurement teams.

Once the sites are in new ownership they will be redeveloped in accordance with planning policy including policy relating to appropriate levels of affordable housing. Therefore the Council will retain some control over the delivery of affordable housing indirectly through the planning process. It should be noted that this will always be subject to viability in the usual way.

The potential exists to transfer part, or all, of the land at Southern Grove to a Community Land Trust. The factors to take into account in considering this option will include the consideration, if any, at which the transfer will take place and whether the Council would be required to forego a capital receipt for the land value. This is a matter that will require considerable further consideration and consultation prior to a further decision being made by Cabinet.

5.4 Quality of S106 Social Housing - Report of the Scrutiny Challenge Session

DECISION

1. To note the Scrutiny Challenge Session report titled "The Quality of s106 funded Social Housing Scrutiny Challenge Session Report" as agreed by the Overview and Scrutiny Committee on 7th April 2015 (see Appendix One to the report); and
2. To agree the draft action plan that has been prepared in response to the 4 recommendations contained in that Report (see Appendix Two to the report).

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)

Reasons for the decision

This report submits the report of the Overview and Scrutiny Committee Challenge Session on the Quality of S106 funded Social Housing for consideration of the Mayor and Cabinet.

Overview and Scrutiny identified a concern amongst some Councillors and residents that the quality of the social housing being built in the Borough through these agreements was not robust enough, with materials being used which were not suitable for high density housing with a much greater intensity of use than private dwellings.

The focus of the challenge session was therefore to see if there was an issue with the design and build quality of some of the affordable housing in the Borough provided through S106 planning obligations; and, if so, what changes to planning policy, practice or procedures could be made to address these concerns, whilst still ensuring the continued provision of affordable

housing in the Borough. The session was chaired by Councillor David Chesterton, the then Scrutiny Lead for Development and Renewal.

Alternative options

To take no action. This is not recommended as the proposed recommendations are strategic, measurable and attainable, and agreed by senior officers in the Service. The action plan is outlined in Appendix Two.

To agree some, but not all recommendations. As outlined above all of the recommendations are achievable and can be contained within existing budgets.

5.5 Scrutiny Review: Improving Cycle Safety**DECISION**

1. To consider this report of the scrutiny working group and agree the action plan in response to the challenge session recommendations.

Action by:

**CORPORATE DIRECTOR, COMMUNITIES, LOCALITIES AND CULTURE
(S. HALSEY)**

Reasons for the decision

In recent years, cycling has grown in popularity for both work and pleasure. The Government aims to make cycling a more convenient, attractive and realistic choice for short journeys, especially those made to and from work and school. It cites the need to reduce congestion, improve health outcomes and create more pleasant places to live as key issues that cycling can help address.

However, as cycle usage has grown, the potential for conflict with other road users including motorists and pedestrians, together with the overall safety of cyclists, has become an area of increasing concern.

Recognising the mounting concern over road safety for cyclists in the borough, particularly given the rise in fatalities on busy arterial roads and the importance of cycling as a viable means of increasing physical activity, the committee felt it was important to devote a challenge session to examining these issues.

Alternative options

To take no action and continue with existing arrangements for improving cycling safety. This is not recommended. The proposed response supports the Best Value duty and aims to secure improvement, informed by consideration of economy, efficiency and effectiveness. A timetable for delivering the recommendations has also been agreed by officers. The action plan is outlined in Appendix Three.

To agree some, but not all, recommendations. All of the recommendations are achievable and propose that existing partnerships be utilised to enforce safety measures and develop engineering interventions.

5.6 Tower Hamlets Safeguarding Children Board Annual Report 2014-15

The Pre-Decision Scrutiny questions were noted.

DECISION

1. To note the report from the Local Safeguarding Children Board

Action by:

INTERIM CORPORATE DIRECTOR, CHILDRENS SERVICES (D. JONES)
(Interim Policy, Programmes and Community Insight Manager (A. Walters))

Reasons for the decision

The Local Safeguarding Children Board (LSCB) The LSCB is required to publish an annual report on the effectiveness of child safeguarding arrangements and promoting the welfare of children in its locality and ensure the annual report is available within the professional and public domain. The LSCB annual report, which fulfils this responsibility, is appended to this briefing paper.

Alternative options

There are no alternative options, as it is a statutory requirement for this report to be reported to the Mayor.

5.7 Tower Hamlets Safeguarding Adults Board Annual Report 2014-15

The Pre-Decision Scrutiny Questions were noted.

DECISION

1. To note the report from the Safeguarding Adults Board

Action by:

DIRECTOR, ADULTS SERVICES (L. ADDAMS)
(Interim Policy, Programmes and Community Insight Manager (A. Walters))

Reasons for the decision

The Safeguarding Adults Board (SAB) became a statutory function with the implementation of the Care Act on 1 April 2015. One of its new statutory responsibilities is to complete an annual report, which must be reported to the Chief Executive and leader of the local authority. The SAB annual report, which fulfils this responsibility, is appended to this briefing paper.

Alternative options

There are no alternative options, as it is a statutory requirement for this report to be reported to the Mayor.

5.8 Older Persons Day Centre Review

The recommendations were amended and then agreed.

DECISION

1. To note the recommendations from the review.
2. To agree to extend three current core spot contractual arrangements for St Hilda's East, (Somali Gardens Older Persons Day Service and Somali Gardens Older Persons Weekend Service, E1) and Peabody's Older Persons Day Service at the (Sundial Centre, E2) up to September 2016 to enable the completion of a procurement process to establish a preferred provider list with a new service specification. The normal procurement process could take between nine months and a year (a final timeline will need to be confirmed). If members agree this route, the new contract arrangements will start in September 2016.

The annual estimated value of the current arrangements is:

▪ St Hildas at Sonali Gardens	£479,459
▪ St Hildas weekend service	£22,859
▪ Peabody at Sundial Centre	£298,005

Including a small number of additional day service placements that meet specific individual needs, the overall the estimated value of external day service provision is approximately £929,069 per annum.

3. To take no decision with respect to services provided at Mayfield House until the Council has had time to consider all submissions from the related budget savings proposals consultation.
4. To delegate to the Corporate Director Adult Social Care or to such other officer who then receives such delegation in accordance with Part A of the Scheme of Management in Part 3 of the Council's constitution the power to agree to entering into the interim contracts with the existing providers as detailed in recommendation 2
5. To note the demographic background and growing demand in Tower Hamlets against which the modernisation of older people's day services is presented.
6. To agree the recommended procurement approach (Option B) set out in Appendix A, which proposes a comprehensive package of services for older people who are eligible for services in Tower Hamlets, to ensure the services are outcomes-focused, tailored to physical, cultural and social needs, and represent quality, efficiency and best value.
7. To agree that the Older Persons Pathway Board (or similar) will provide the strategic lead and governance for services supporting older people,

which includes working in partnership with Health, Public Health and partners with a strategic plan for the next 10 years. This will ensure services are responsive to continued change and that adequate resources are allocated and identified to enable ongoing efficient and effective service provision, which promotes a preventative approach.

8. To note that the Mayor in Cabinet will continue to be provided with updates at strategic points in the transformation process and the Lead Member for Health and Adult Services will be involved in the design phase of the service specification and procurement process, at appropriate points.

Action By:

DIRECTOR, ADULTS SERVICES (L. ADDAMS)

(Service Manager, Strategic Commissioning (B. Disney))

Reasons for the decision

A report was approved by Cabinet on the 6th November 2013, recommending a process to support the modernisation of day services provided for older people in Tower Hamlets. Those steps included:

- Carrying out a review of existing eligible day services, with recommendations to improve services so that they respond to changing demand, are more personalized and meet individual needs, within a suite of modernised day service delivery fit for the future.
- Progressing recommendations from the review to a future Cabinet meeting for approval, with a procurement route and outcome-focused contractual arrangements that have a greater focus on health and wellbeing, including a community based rehabilitation service that enables those with more complex needs to access a day service option, and thus reduce social isolation

The review was a piece of work, not conducted before, across the eligible day service provision. The scope included day services attended by service users aged over 65 with assessed eligible social care needs, but not universal services such as LinkAge Plus or pensioners' lunch clubs. The analysis included current and predicted demographics and changing health and social care needs with predictions for increasing demand up to 2025. It also explored national legislation and guidance, best practice models, service objectives and outcomes to help shape the vision for day opportunities, as historically many services are without detailed service specifications. Consultations with 175 service users, staff and carers captured their experience, aspirations and needs so as to inform service specifications and the training and skills required from staff to shape the future model of service provision. The full review is attached as Appendix C.

The review identified a greater need for flexible, more inclusive provision and more efficient means of delivering services in the community for eligible service users and carers. The review also provided the opportunity to

describe the tiers of support and services required to meet the range of older people's needs, with an explicit requirement to build on partnerships with universal services, healthcare and the voluntary sector. The overall aim is to deliver more holistic services with a commitment to outcomes focused on rehabilitation, promoting independence and choice, all ingrained in service design and delivery, whilst recognizing the financial challenges faced by local authorities.

Alternative options

Two procurement options were developed, with the comprehensive Option B being recommended (Appendix A). This includes three key elements:

- a consistent, outcomes-focused preferred provider list for commissioned services;
- re-provision of the service currently at Mayfield House to improve and widen access to the care provided to Somali men and women;
- a flagship complex needs centre provided in-house at Riverside House.

The core theme is to deliver a suite of services capturing the range of needs and support required, delivered in a responsive manner from facilities that meet the physical, cultural and social needs of users both now and for the future. Appendix B highlights the benefits and challenges associated with choosing Option B.

Cabinet may decide to pursue option A, which maintains the status quo, minimizing opportunities to modernize and redesign services and failing to provide value for money.

5.9 Scrutiny Review: Report of Drug Incidents and Anti-Social Behaviour

DECISION

1. To consider this report of the scrutiny working group and agree the action plan in response to the review recommendations.

Action by:

**CORPORATE DIRECTOR, COMMUNITIES, LOCALITIES AND CULTURE
(S. HALSEY)**

Reasons for the decision

Anti-social behaviour is a key issue of public concern. During the period 2013 to 2015, the Metropolitan Police Service recorded 38,030 calls in Tower Hamlets reporting anti-social behaviour.¹ Resident perceptions regarding how successfully the police and other local public services deal with ASB issues in their local area is relatively positive overall. However, selling of drugs, drug misuse and related ASB in communal spaces remains a recurring issue raised by residents at members' surgeries and in their casework.

¹ Disaggregated data on drugs related ASB reported is not available.

Some members have expressed concern that advice and promotional information from the various agencies on reporting these issues can be confusing. Furthermore, residents who do report incidents are often unaware of the outcome of their reporting. This lack of communication on outcomes may lead to under-reporting of ASB in the borough. Additionally, it is not always clear to residents what the role of social landlords is in dealing with incidents of drugs related ASB in neighbourhoods.

Alternative options

To take no action and continue with existing arrangements for reporting ASB. This is not recommended. The proposed response supports the Best Value duty and aims to secure improvement, informed by consideration of economy, efficiency and effectiveness. A timetable for delivering the recommendations has also been agreed by officers. The action plan is outlined in Appendix Two.

To agree some, but not all, recommendations. All of the recommendations are achievable and propose that existing partnerships be utilised to encourage the promotion of reporting anti-social behaviour, and that local organisations come together to consider how best to provide a good service in the context of reducing resources.

5.10 Environmental Impact Assessment (EIA) Review Contract

DECISION

1. To agree to the procurement of the EIA Review Contract.
2. To delegate to the Corporate Director Development and Renewal or to such other officer who then receives such delegation in accordance with Part A of the Scheme of Management in Part 3 of the Council's constitution the power to agree to entering into the contract with the winner or winners (as the case may be) of the procurement of the EIA Review Contract

Action by:

CORPORATE DIRECTOR, DEVELOPMENT AND RENEWAL (A. DALVI)
(Environmental Impact Assessment Officer (H. Peacock))

Reasons for the decision

Current EIA Review Contract

The current Environmental Impact Assessment (EIA) Review Contract commenced in summer 2013.

This contract was meant to be in place from August 2013 to July 2016. However, spend on the contract has exceeded previous expectations, and therefore we are nearing the maximum contract value. Any overspend above 15%, may lead to legal challenges and as such procurement of a new contract is sought.

The reasons contract spend has been higher than anticipated is:

- more applications submitted than anticipated - this is in part as a result of 'coming out' of the recession. This includes schemes that have been resubmitted due to a change in situation e.g. now seeking residential rather than office lead schemes;
- more outline applications than anticipated, requiring reserved matters applications and therefore ES Addendums that need to be reviewed;
- the Plan Making Team (D&R) used the EIA Review Contract for the South Quay Masterplan Strategic Environmental Assessment (SEA), and work on Ailsa Street; and
- using the EIA Review Contract to procure the review of daylight and sunlight assessments – this has been an additional fee per application. Note, this was stopped last year, due to the high spend on the contract.

Procurement of New EIA Review Contract

The new contract will mostly be the same as the existing contract, although it will be amended with respect to the maximum budget and timescales.

Alternative options

Consideration has been given to a range of alternatives. The primary alternative would be to procure the Contract for a shorter period of time, for example one year. It is however, considered prudent to procure a longer 3 year contract in order to continue to achieve best value for money, and encourage innovation/ best practice amongst consultants.

The current Contract has been a fixed contract with one Consultant. This has ensured a consistent approach to the EIA Review process.

Consideration has been given to procuring a small number of consultants, who will each undertake the work based on the outcome of internal mini-tenders. This is considered to be time consuming and costly, and therefore an inefficient implementation of the contract, particularly as the council only has 16 weeks to determine an EIA application.

The Consultants who will be tendering for this Contract tend to be large multi-disciplinary companies due to the nature of EIA projects. This ensures that the Consultant has sufficient resources and can ensure delivery.

Consideration has also been given to the "do nothing" scenario e.g. no EIA Review Contract. Without the EIA Review Contract in place, the Council would no longer have the expertise of an environmental consultant to rely upon and therefore the Council would have to undertake EIA Reviews itself.

The Council does not currently have enough staff in the relevant disciplines to accommodate the number of EIA Scoping Reports and ESs currently being submitted to the Council. It is therefore likely that the Council would need to recruit a large number of environmental specialists into their existing teams to

ensure that the Council had sufficient capacity, which would cost significantly more than the EIA Review Contract.

EIAs also tend to cover very niche environmental topics, for example wind microclimate assessments, which the Council is required to consider as part of the EIA Review. A review of this topic requires specific expertise (and sometimes equipment) to identify whether the assessment has been undertaken accurately. The Council does not currently employ these specialist disciplines and therefore the Council would be required to employ new staff in these areas to ensure that the EIA Review was acceptable.

5.11 Supplier Chain Ethical Code of Conduct

DECISION

1. To note the contents of this report.
2. To consider and agree the proposed Supply Chain Code of Conduct in substitution of the current Ethical Governance Protocol and Supplier and Contractors Charter in order to achieve the milestone outlined in the Best Value Implementation Plan.

Action by:

CORPORATE DIRECTOR, RESOURCES (Z. COOKE)

(Head of Procurement (Z. Ahmed))

Reasons for the decision

The new Supply Chain Ethical Code of Conduct signature will be a requirement for suppliers at different stages in the procurement process. The Code set out the principles and standards of delivery for our suppliers and contractors aiming to drive unethical practices from the supply chain.

The new Supply Chain Ethical Code achieves one of the milestones outlined in the Best Value Implementation Plan.

Alternative options

The alternative option is to maintain the current Ethical Governance Protocol that does not clearly set out all Council's principles and standards with regards to business ethics.

5.12 Annual Procurement Report

DECISION

1. To note the annual procurement expenditure analysis.
2. To note the achievements against the Procurement Policy Imperatives.
3. To note the Authority's position on central records of all supplies, services and works contracts and progress made in improving third party expenditure under management.

4. To note the current issues, future challenges and planned improvements to further transform Council's procurement activities.

Action by:**CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Head of Procurement (Z. Ahmed))

Reasons for the decision

The report provides the annual procurement expenditure analysis for financial year 2014/15 and an update on performance against key objectives set out within the Council's Procurement Policy Imperatives.

Alternative options

This is a noting report.

5.13 Transparency Protocol

The Pre-Decision Scrutiny Questions were noted.

DECISION

1. Agree the principles and action plan contained in the Transparency Protocol, contained in appendix 1 of this report.

Action by:**DIRECTOR, LAW, PROBITY AND GOVERNANCE (M. CLAY)
AND ALL DIRECTORATES**

(Service Head, Corporate Strategy and Equality (L. Russell))

Reasons for the decision

The Mayor's manifesto commitments, now incorporated into the Council's Strategic Plan and agreed by Cabinet in July 2015, included a commitment to increasing transparency of the Council and Mayor. This was detailed through a range of commitments, including attending Overview and Scrutiny meetings, answering public questions, and setting up Public Meetings across the borough. The Transparency Protocol sets out the framework for the delivery of these commitments.

In addition, following the Best Value Inspection, undertaken during 2014, the Council was issued with directions from central government and Commissioners were appointed to support the Council in their successful completion. One of the areas for improvement was organisational culture. The actions contained in the Transparency Protocol, by increasing transparency and the ability of members to better scrutinise the executive, will play an important role in improving the organisational culture.

The Governance Review Group, a cross party working group, is currently developing an action plan reflecting the following objectives:

- To enable agile, lawful and effective decision-making.

- To increase transparency of decision-making.
- To enhance the prior scrutiny of decision-making.
- To increase the effectiveness of audit of delivery of outcomes.
- To make effective use of available councillor time.
- To ensure understanding of the council's constitution in relation to those matters that are Executive Functions' and those that are reserved for 'Full Council'

The timely agreement of the Transparency Protocol actions can feed into the development and completion of these areas of work.

Alternative options

The Mayor in Cabinet could choose not to adopt a Transparency Protocol.

Alternatively the Mayor in Cabinet could choose to only undertake some of the actions outlined in the Transparency Protocol.

Neither of the above options are recommended as this would reduce the Council's focus and public commitment to delivering further transparency and organisation change.

5.14 Local Government Ombudsman Decisions Upheld 2014/15

DECISION

1. To note the report.

Action by:

DIRECTOR, LAW, PROBITY AND GOVERNANCE (M. CLAY)

(Interim Service Head, Legal Services (G. White)

(Complaints and Information Manager (R. Dowden)

Reasons for the decision

Legislation requires the Council to consider such findings by the Ombudsman.

Alternative options

N/A

5.15 List of Mayor's Individual Executive Decisions

DECISION

1. To note the Individual Mayoral Decisions set out in Appendix 1 to the report.

Action by:

DIRECTOR, LAW, PROBITY AND GOVERNANCE (M. CLAY)

(Committee Services Manager (M. Mannion)

Reasons for the decision

This is a noting report to aid transparency.

The reasons each decision were taken are set out in their specific reports.

Alternative options

The alternative option would be to not produce this report, but that would not aid transparency of decision making.

6. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

7. EXCLUSION OF THE PRESS AND PUBLIC

No motion to exclude the press and public was passed.

8. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

9. OVERVIEW & SCRUTINY COMMITTEE

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

Nil items.

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

Nil items.

10. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION

10.1 Civic Centre Project

[Note – this item was considered during the unrestricted part of the meeting.]

DECISION

1. To note the content of the Exempt/Confidential Appendix to the main report.

10.2 Disposals Report - Southern Grove and Cheviot House

[Note – this item was considered during the unrestricted part of the meeting.]

DECISION

1. To note the content of the Exempt/Confidential Appendix to the main report.

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

Nil items.

The meeting ended at 7.41 p.m.

Melanie Clay
DIRECTOR, LAW, PROBITY AND GOVERNANCE