

**LONDON BOROUGH OF TOWER HAMLETS**  
**RECORD OF THE DECISIONS OF THE CABINET**  
**HELD AT 5.33 P.M. ON TUESDAY, 2 MAY 2017**

**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 David Edgar	(Cabinet Member for Resources)
Councillor Amy Whitelock Gibbs	Cabinet Member for Health & Adult Services

**Other Councillors Present:**

Councillor John Pierce  
Councillor Andrew Wood

**Officers Present:**

Tahir Alam	(Strategy Policy & Performance Officer, Chief Executive's )
Mark Baigent	(Interim Divisional Director, Housing and Regeneration)
Keith Burns	(Programme Director Special Projects, Commissioning & Health)
Margaret Cooper	(Section Head Transport & Highways, Public Realm, Communities Localities & Culture)
Thorsten Dreyer	(Strategy & Business Development Manager – Culture Environmental Control & Spatial Planning)
Judith St John	(Acting Divisional Director, Sports, Leisure and Culture)
Zena Cooke	(Corporate Director, Resources)
Aman Dalvi	(Corporate Director, Place)
Debbie Jones	(Corporate Director, Children's)
Matthew Pullen	Infrastructure Planning Team Leader
Denise Radley	(Corporate Director, Health, Adults & Community)
Karen Sugars	(Acting Divisional Director, Integrated Health)
Alison Thomas	(Head of Housing Strategy, Partnerships and Affordable Housing, Development and Renewal)
Will Tuckley	(Chief Executive)

Graham White	(Acting Corporate Director, Governance)
Stuart Young	(Interim Divisional Director, HR & Transformation)
David Courcoux	(Deputy Head of Mayor's Office)
Sharon Godman	(Divisional Director, Strategy, Policy and Partnerships)
Shanara Matin	(Service Manager, Corporate Research Unit)
Peter Robbins	Head of Mayor's office
Matthew Mannion	(Committee Services Manager, Democratic Services, Governance)

### **AGENDA ORDER**

During the meeting the Mayor agreed to change the order of business. For clarity, the decision sheet is set out in the order the items appeared on the agenda.

## **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of:

- Councillor Asma Begum (Cabinet Member for Culture)
- Councillor Ayas Miah (Cabinet Member for Environment)
- Councillor Joshua Peck (Cabinet Member for Work and Economic Development)

## **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 4 April 2017 be approved and signed by the Mayor as a correct record of proceedings.

## **4. OVERVIEW & SCRUTINY COMMITTEE**

### **4.1 Chair's Advice of Key Issues or Questions**

Pre-Decision Scrutiny Questions, and officer responses, were tabled in respect of the following reports on the agenda:

- 5.3 – Approval to proceed with guidance on new rent levels
- 5.4 – Approval of S106 Funding to Cycle and Pedestrian Improvement Project 2017.

The questions and responses were considered during discussion of the relevant items.

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

Nil items.

### **5. UNRESTRICTED REPORTS FOR CONSIDERATION**

#### **5.1 Ageing Well in Tower Hamlets: A commissioning strategy for adult social care and related services for residents aged 55+.**

##### **DECISION**

1. To note the contents of this report and approve 'Ageing Well in Tower Hamlets: A Strategy for Improving the Experience of Growing Older in Tower Hamlets 2017 – 2020', attached as Appendix 1 to the report.
2. To note that following approval of the strategy work will continue with a range of stakeholders to finalise detailed implementation plans for each of the ten key themes contained in the strategy.

##### **Action by:**

**CORPORATE DIRECTOR, HEALTH, ADULTS AND COMMUNITY (D. RADLEY)**

(Acting Divisional Director, Integrated Commissioning (K. Sugars))

##### **Reasons for the decision**

To approve formally the 'Ageing Well in Tower Hamlets' strategy, which has been developed in partnership with the Older People's Reference Group. Approving the strategy will enable officers to complete work to develop detailed delivery plans for each of the ten key themes set out in the strategy.

##### **Alternative options**

The Mayor in Cabinet could decide not to approve the strategy and to ask officers to find other ways of progressing the priorities and ambitions set out in the strategy. This approach would risk, however, a loss of coherence and focus in terms of how individual priorities are progressed and is not recommended for this reason.

#### **5.2 Indoor Sports Facilities Strategy 2017 - 2027**

##### **DECISION**

1. To note the analysis and strategic objectives identified in the Indoor Sports Facilities Strategy.
2. To agree the Indoor Sports Facilities Strategy in Appendix 1 of the report.

3. To note the importance of the Indoor Sports Facilities Strategy to the emerging Local Plan.

**Action by:****CORPORATE DIRECTOR, CHILDREN'S SERVICES (D. JONES)**

(Acting Divisional Director, Sports, Leisure and Culture (J. St John))

**Reasons for the decision**

The National Policy Planning Framework (NPPF) requires local authorities to have up to date evidence and strategies relating to community infrastructure. The Indoor Sports Facilities Strategy is an important evidence document for the Local Plan which is due for adoption in summer 2017. The Council's existing Indoor Sports Facilities Strategy was last updated in 2009 and as such would not be considered an up to date set of evidence for this purpose.

In the context of high population growth and increased demand for community facilities, a refreshed Indoor Sports Facilities Strategy will enable the Council to take future decisions relating to its indoor sports facilities network in a way that is both evidence-based and strategic.

The Strategy offers the Council a set of Strategic Objectives, Characteristics of an Ideal Network, and Strategic Options which can help the Borough achieve a more ideal network of indoors sports facilities over the coming 10 years.

**Alternative options**

The Council could alternatively decide to not adopt the Indoor Sports Facilities Strategy. While it is considered best practice for local authorities to develop and refresh strategies for leisure facility provision, there is no statutory requirement. However, Sport England is a statutory consultee on our emerging Local Plan and may raise objections if a Indoor Sports Facilities Strategy is found to be absent.

The Indoor Sports Facilities Strategy could be revised differently, but the proposed approach is judged to be the best way to meet national requirements, whilst focusing on what matters locally. Taking a different approach would be likely to require further analysis.

**5.3 Approval to proceed with guidance on new rent levels****DECISION**

1. To note the content of this report and to authorise the Divisional Director, Housing and Regeneration to advise developers and registered providers to move to the monetary values in the tables below with relation to affordable rented housing in the Borough.

**Action by:****CORPORATE DIRECTOR, PLACE (A. DALVI)**

(Affordable Housing and Partnerships Manager (J. Pepper))

**Reasons for the decision**

In the absence of an Affordable Housing SPD, to enable officers to have the Mayor's authority to advise developers and registered providers that these are the affordable housing rental levels to be utilised as schemes come in for planning applications.

**Alternative options**

Before the Affordability Commission the Borough had Borough Framework Rents which were 65% of market rents for a 1 bedroom property and 50% on a 3 bedroomed property, this position could be retained.

**5.4 Approval of S106 Funding to Cycle and Pedestrian Improvement Project 2017****DECISION**

1. To approve the allocation of £1,130,854 of S106 funding to the Cycle and Pedestrian Improvement Project 2017 as profiled in the PID attached at Appendix A to the report, and in Table 1 of the report..
2. To approve the adoption of a capital budget of £1,130,854 as profiled in the PID attached at Appendix A to the report, and in Table 2 of the report.

**Action by:**

**CORPORATE DIRECTOR, PLACE (A. DALVI)**  
(Head of Engineering, Public Realm (M. Cooper))

**Reasons for the decision**

Approval is sought to deliver this project for the following reasons:

- The project will help contribute to the delivery of positive improvements to people's lives, which will underpin the Community Plan themes of:
  - A Great Place to Live;
  - A Safe and Cohesive Community; and
  - A Healthy and Supportive Community.
- The project will improve the public realm and accessibility; encourage and support sustainable modes of transport; and enhance road safety, and the wellbeing of residents and workers.

Please refer to the attached PID in Appendix A, and the Cycle and Pedestrian Schedule of Works Spreadsheet in Appendix B for more information about the overall project and the individual schemes.

**Alternative options**

The expenditure items within the attached PID can be individually or collectively approved. The alternative option is to not allocate the funding to the overall project, or to some or any of the schemes.

It should be noted that the use of the S106 funding specified in this report is restricted, as it must be spent in accordance with the legal agreement related to the development from which it originates. This may limit the expenditure of the S106 funding to certain infrastructure types or projects, and also by geographical location.

Any alternative expenditure of this funding would have to be on projects that would meet the requirements of the relevant S106 agreement.

**5.5 Single Equality Framework 2017/18****DECISION**

1. To approve the draft Single Equality Framework and its accompanying delivery plan.

**Action by:**

**ACTING CORPORATE DIRECTOR, GOVERNANCE (G. WHITE)**

(Divisional Director Strategy, Policy and Partnership (S. Godman))

(Service Manager, Research and Equality (S. Matin))

**Reasons for the decision**

It is important that the Council sets out its key priorities in relation to how it meets its duties under the Equality Act 2010 and specifically the Public Sector Equality Duty, which requires public bodies to publish their equality objectives. The Single Equality Framework (SEF) is the council's corporate plan for understanding diversity, tackling inequality and promoting cohesion in the borough. The Framework is aligned within the new Strategic Plan and provides further detail about the delivery of the council's strategic equality objectives.

**Alternative options**

The Mayor may choose not to have a corporate strategy for equality. This course of action is not recommended. The proposed framework is a part of the council's business planning arrangements and sets out the council's priorities for tackling inequality and meeting the needs of local residents. The framework and accompanying action plan detail how the council will undertake its Public Sector Equality Duty.

## 5.6 Temporary Agency Report: Procurement of Managed Service Provider

### DECISION

1. To approve to award a new temporary agency service provider by using the LOT2 MSTAR2 LCC Further Competition Award to contract with Adecco as master MSP for the duration of the LCC framework.

#### Action by:

**CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(L&D Commissioning Manager (T. Alam))

#### Reasons for the decision

The reason for the decision is because the Council's Managed Service Provider (MSP) contract with Comensura will be coming to an end on the 30 September 2017.

#### Alternative options

##### **Option 1: Direct Award to one of the MSPs on the ESPO MSTAR2**

**framework:** This award has to be based on an internal spend analysis on agency staff, and awarded to the most suitable MSP based on this exercise.

##### Pros:

- Direct award would mean a quick awarding process, without having to tender (3 weeks).
- Low risk of legal challenges

##### Cons:

- The Council would have to abide by the existing terms and conditions and rates on the ESPO MSTAR2 framework, which are markedly higher than what we currently have and would see a rise in agency fees.
- Any contracts cannot extend beyond the framework expiration date of March 2019
- If Comensura are not awarded, additional internal resourcing would be required to support the move to another MSP.

**Cost:** This depends on best value comparison through internal spend analysis. However rates on the ESPO MSTAR2 Framework are markedly higher and we would see a rise in agency fees.

##### **Option 2: Mini-Competition for neutral MSP in ESPO MSTAR2 framework.**

We would invite all neutral MSPs within the ESPO MSTAR2 framework to tender to manage our temporary agency service.

##### Pros:

- Comensura have indicated rates would be slightly better than current rates.
- Competition between MSPs should see submissions of competitive rates, which are likely to be similar or lower than current rates.

## Cons:

- Longer awarding process (approximately 5 months)
- Risk of legal challenges, as MSPs may disagree with awarding process. This has happened recently to the London Councils Collaboration and as a result of the challenge the award was abandoned.
- As advised by legal any contracts cannot extend beyond the framework expiration date of March 2019
- If Comensura are not awarded, additional internal resourcing would be required to support the move to another MSP

**Cost:** Uncertain, could be similar to current or lower.

**Option 3: Invitation to Tender – ITT.** Full tender process including OJEU to all Managed Service Providers (MSPs).

## Pros:

- We can contract for a full four year period or longer if required.

## Cons:

- This is the longest procuring option and would include OJEU (approximately 6 months).
- Risk of legal challenges to awarding process, possibly due to high value of contract, other boroughs have experienced challenge.
- There are no guarantees that we can secure the rates we currently have.
- If Comensura are not awarded, additional internal resourcing would be required to support the move to another MSP

**Cost:** Uncertain, could be similar to current or lower.

### Recommended Option

**Option 4: Award Adecco master MSP via the LOT2 LCC Further Competition Award** for 2 years + 2 years extension (4 years).

The London Councils Collaboration (LCC) undertook a further competition for a master MSP in 2016, in the ESPO MSTAR2 framework. The successful MSP for this competition was Adecco.

## Pros

- Quick awarding process on the LCC further competition (approximately 3 weeks)
- Best known rates available for a master MSP, also lower than our current rates
- Good wrap around service
- Low risk of legal challenges

## Cons

- moving to a Adecco will require additional internal resourcing
- opposition from current agency supply chain in particular local SME's.



**Cost:** we have carried out a financial analysis based on the LCC master MSP Adecco rates. Please see price comparison below between Comensura and Adecco for the year 2015/16.

The Comensura spend has been consolidated with their agency and ESPO fees, in order to give an accurate comparison with the Adecco fees.

<b>AGENCY FEES AND CHARGES COMPARISON ADECCO AND COMENSURA</b>			
<b>Year</b>	<b>Comensura spend</b>	<b>Estimated Adecco spend</b>	<b>Potential Savings from Adecco</b>
<b>Apr 15 to Mar 16</b>	£1,870,632	£1,604,662	£265,700

From the above comparison, based on our annual usage we would have made savings of £265,700 with Adecco.  
(Please see **Appendix 2** for detailed breakdown)

## **5.7 Contracts Forward Plan 2017/18 Q1**

### **DECISION**

1. To note the contracts listed in Appendix 1 and Appendix 2 to the report.
2. To agree that contract CS5218 Youth Activity Hubs should be presented to Cabinet as an individual report for consideration.
3. To agree that all other contracts listed in Appendix 1 to the report can proceed to contract award after tender.
4. To note that the Mayor may request officers to provide more information on any of the remaining contracts in Appendix 1 or Appendix 2 to the report.
5. To authorise the Divisional Director, Legal Services to execute all necessary contract documents in respect of the awards of contracts referred to above.

### **Action by:**

**CORPORATE DIRECTOR, RESOURCES (Z. COOKE)**

(Head of Procurement (Z. Ahmed))

### **Reasons for the decision**

The Council's Procurement Procedures require submission of a quarterly forward plan of contracts for Cabinet consideration, and it is a requirement of the Constitution that "The contracting strategy and/or award of any contract for goods or services with an estimated value exceeding £250,000, and any contract for capital works with an estimated value exceeding £5,000,000, shall be approved by the Cabinet in accordance with the Procurement Procedures".

This report fulfils these requirements for contracts to be let during and after the period Q1 of the Financial Year.

**Alternative options**

Bringing a consolidated report on contracting activity is considered the most efficient way of meeting the requirement in the Constitution, whilst providing full visibility of contracting activity; therefore no alternative proposals are being made.

**5.8 List of Executive Mayoral Decisions****DECISION**

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

**Action by:**

**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.

**5.9 Sustainability & Transformation Plan****DECISION**

1. To note the Sustainability & Transformation Plan (STP) submitted in October 2016 – [www.nelstp.org.uk/progress-to-date.htm](http://www.nelstp.org.uk/progress-to-date.htm)
2. To agree that the Council will continue to engage as a key partner in both Tower Hamlets Together and the Transforming Services Together programme across three boroughs where appropriate
3. To agree that the Council will not endorse the STP at this time, until the concerns identified within this report have been fully addressed - including thorough public consultation on any proposed changes - but will continue to engage with the STP process and participate in the governance arrangements proposed; continuing to highlight the issues identified in this report with the expectation they are resolved

**Action by:**

**CORPORATE DIRECTOR, HEALTH, ADULTS AND COMMUNITY (D. RADLEY)**

**Reasons for the decision**

Nationally, NHS Sustainability & Transformation Plans (STPs) have come under the spotlight for much criticism – a lack of transparency in the process with draft plans unable to be shared publicly, concerns regarding top-down NHS planning and a lack of clear plans for public consultation and engagement have all contributed to a difficult context for STPs.

Health and social care integration, collaboration for better outcomes for local people and cross-sector approaches to address efficiency and effectiveness are all key to our local focus on partnership and integration. Tower Hamlets has led the way particularly around primary care development, as an integrated care pioneer and more recently as a national Vanguard on new models of community care and health provision. Regardless of the label 'STP' this collaborative approach will remain a critical part of achieving our ambitions for improved health and wellbeing in the borough.

Locally, a number of representations and requests for the Council to formalise its position on the STP have been made. Whilst the STP process continues, the Mayor in Cabinet intends to provide a clear position statement in this regard.

**Alternative options**

The Mayor could proceed without making clear a formal position on the STP – this has been considered however a number of stakeholders have requested a statement and the Mayor and Cabinet Member consider making a statement to be a more transparent way of addressing the issue.

The Mayor could decide not to support the STP – this has been considered and will remain an option going forward however given the extent and effectiveness of collaboration across health and social care in the borough, it is not felt this would be in the best interests of good health and wellbeing outcomes for local people. Instead the Mayor intends to consider individual issues and decisions as they brought forward within the STP with an expectation of appropriate public consultation and engagement as needed.

**6. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT**

Nil items.

**7. EXCLUSION OF THE PRESS AND PUBLIC**

Nil items.

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

Nil items.

The meeting ended at 6.59 p.m.

Mayor John Biggs