

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE CABINET

HELD AT 5.40 P.M. ON WEDNESDAY, 11 MARCH 2009

COMMITTEE ROOM M71, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG**Members Present:**

Councillor Lutfur Rahman (Chair)	(Leader of the Council)
Councillor Ohid Ahmed	(Lead Member, Regeneration, Localisation and Community Partnerships)
Councillor Rofique U Ahmed	(Lead Member, Culture and Leisure)
Councillor Anwara Ali	(Lead Member, Health & Wellbeing)
Councillor Alibor Choudhury	(Lead Member, Employment and Skills)
Councillor Marc Francis	(Lead Member, Housing and Development)
Councillor Clair Hawkins	(Lead Member, Children's Services)
Councillor Sirajul Islam (Vice-Chair)	(Deputy Leader of the Council)
Councillor Joshua Peck	(Lead Member, Resources and Performance)
Councillor Abdal Ullah	(Lead Member, Cleaner, Safer, Greener)

Other Councillors Present:

Councillor M. Shahid Ali	
Councillor Tim Archer	
Councillor Abdul Asad	(Chair, Overview and Scrutiny Committee)
Councillor Stephanie Eaton	(Leader Liberal Democrat Group and Scrutiny Lead Member: A Healthy Community)
Councillor Peter Golds	(Leader Conservative Group)
Councillor Fazlul Haque	

Others Present:**Officers Present:**

Lutfur Ali	– (Assistant Chief Executive)
Isobel Cattermole	– (Service Head, Resources)
Kevan Collins	– (Corporate Director, Children's Services)
Aman Dalvi	– (Corporate Director, Development & Renewal)
Tony Finnegan	– (Communications Officer)

Isabella Freeman	– (Assistant Chief Executive (Legal Services))
John Goldup	– (Corporate Director, Adults Health & Wellbeing)
Dean Grant	– (Diary Secretary to Lead Members)
Stephen Halsey	– (Corporate Director, Communities, Localities & Culture)
Fiona Heyland	– (Waste Services Group Manager)
Chris Holme	– (Service Head, Resources)
Helen Jenner	– (Service Head, Early Years Children & Learning)
Kevin Kewin	– (Policy Manager)
Paul Leeson	– (Finance Manager, Development & Renewal)
Lolita Muhammad	– (Parking Appeals Officer)
Jim Ricketts	– (Corporate Accounting Manager)
Martin Smith	– (Chief Executive)
Claire Symonds	– (Service Head, Customer Access)
Louise Fleming	– Senior Committee Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Chris Naylor, Corporate Director of Resources.

Apologies for lateness were received on behalf of Martin Smith, Chief Executive.

2. DECLARATIONS OF INTEREST

Councillor Ohid Ahmed declared a personal interest in Agenda item 12.2 “Corporate Revenue Budget Monitoring 2009/2010 Third Report – Housing Revenue Account” (CAB 136/089). The declaration of interest was made on the basis that the report contained recommendations relating to the Housing Revenue Account and Councillor Ahmed was a member of the Tower Hamlets Homes Board.

Councillor Sirajul Islam declared a personal interest in Agenda item 12.2 “Corporate Revenue Budget Monitoring 2009/2010 Third Report – Housing Revenue Account” (CAB 136/089). The declaration of interest was made on the basis that the report contained recommendations relating to the Housing Revenue Account and Councillor Islam was a tenant of Tower Hamlets Homes.

Noted.

3. UNRESTRICTED MINUTES

Resolved

That the unrestricted minutes of the ordinary meeting of the Cabinet held on 11th February 2009 be approved and signed by the Chair, as a correct record of the proceedings.

4. DEPUTATIONS & PETITIONS

Nil Items.

5. OVERVIEW & SCRUTINY COMMITTEE

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

The Chair informed members of the Cabinet that Councillor Asad, Chair of the Overview and Scrutiny Committee, had **Tabled** a sheet of advice/ comments arising from the Overview and Scrutiny Committee held on 10th March 2009.

Councillor Asad, Chair of the Overview and Scrutiny Committee, addressed the Cabinet and thanked Councillor Ohid Ahmed, Lead Member Regeneration, Localisation and Community Partnerships, for his Scrutiny Spotlight. He advised that the final remaining Scrutiny Spotlight for the 2008/09 municipal year would be presented by Councillor Lutfur Rahman, Leader of the Council.

Councillor Asad advised that the Lead Member for Children Services had reported to the Overview and Scrutiny Committee on the Children and Young People's Plan 2009-12 and the Committee's comments were tabled. The Committee welcomed the extensive work which had been carried out and asked the Cabinet to monitor the progress with the Action Plan.

Resolved

That the advice/ comments of the Overview and Scrutiny Committee be noted, and that these be given consideration during the Cabinet deliberation of the items of business to which the advice/ comments related.

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

There had been no requests to call in for further consideration any decisions made by the Cabinet at its meeting on 11th February 2009.

6. A GREAT PLACE TO LIVE

6.1 Review of Local Land Charges Search Fees (CAB 128/089)

Mr Chris Holme, Services Head Resources, briefly introduced the report and responded to the question tabled by the Chair of the Overview and Scrutiny. He advised the Cabinet that the fee for a personal search was set by legislation. Fees for a full personal search and a full official search were

discretionary. However, Members must take government guidelines into consideration when setting fees, in that the fees must not be significantly higher than the cost of providing the service. The Cabinet was advised that the proposed fees also reflected the current climate and the downturn in the housing market.

Resolved:

- (1) That the proposed official full search fee and the full personal search fee for the Local Land Charges service, as set out in paragraph 4.1 of the report (CAB 128/089), to be effective from 1st April 2009, be approved; and
- (2) That it be noted that the Local Authorities (England) (Charges for Property Searches) Regulations 2008 require that the Land Charge Service operate as a separate trading account with effect from 1 April 2009, and must break even over a rolling three year period (as set out in paragraphs 3.9 and 3.10 of the report (CAB 128/089). This legislation was passed by Parliament on 16 December 2008.

6.2 Development of a Municipal Waste Strategy (CAB 129/089)

Mr Stephen Halsey, Corporate Director Communities, Localities and Culture, briefly introduced the report and highlighted the key recommendations. In response to questions from Members, Mr Halsey advised the Cabinet that he had liaised with both the North and the East London Waste Authorities and concluded that entering into a contract with either would not be the appropriate way forward and was, in some instances, contrary to the Council's Procurement rules.

Ms Fiona Heyland, Waste Services Group Manager, in response to questions from Members, advised that the first part of the Strategy would achieve waste minimisation and prevention, which was a priority for the Council. The Cabinet also noted the importance of using alternatives to Landfill, and that residents of the Fairfield Road Recycling Centre were supportive of the strategy.

Resolved:

1. That it be agreed that the Authority commences a procurement process under the EU Public Contracts Regulation for a Merchant Capacity (spare/available capacity at facilities that are currently operating or are due to be delivered in the near future by the commercial sector) and/or a Joint Venture Project for long term Municipal Waste treatment and disposal solutions as set out in paragraphs 5.2.1 to 5.2.11 and 5.4.1 to 5.4.6 of the report (CAB 129/089);
2. That it be agreed that the procurement process runs concurrently with development of the Municipal Waste Strategy as set out in proposed timetable in section 5.5 of the report (CAB 129/089);

3. That the link between the development of the new Municipal Waste Strategy and the development of the Core Strategy particularly in relation to the potential medium to long term option of developing a waste fuelled Combined Heat and Power facility in Fish Island or elsewhere within the Borough be noted;
4. That it be noted that the current Medium Term Financial Strategy until 2010/11 includes necessary Budget provision to meet the costs of Waste Disposal, but that from 2011/12 it is anticipated that additional funding will be required (which has been included in the Medium Term Financial Plan) to meet the costs of a new residual waste treatment solution or the cost implications of the Authority continuing with Landfill Disposal;
5. That the actions to be taken to ensure maximum efficiency and effectiveness and the reduction of duplication in terms of Waste Education and Outreach services be noted. The potential changes to these areas will be carried out in parallel with the development of the Waste Strategy as set out in paragraphs 5.1.3 to 5.1.5 of the report (CAB 129/089);

7. A PROSPEROUS COMMUNITY

7.1 Children and Young People's Plan 2009 -12 (CAB 130/089)

Mr Kevan Collins, Corporate Director Children's Services, briefly presented the report and summarised the salient points. In response to the comments tabled by the Chair of the Overview and Scrutiny Committee, he advised that Priority 2 – Significantly Reduce Bullying would tackle all bullying, but that the specific issue of homophobic bullying would be worked into the detail of the plan. He also reported that a significant amount of work was being carried out in respect of engaging children and young people in the 2012 Olympics and Paralympics.

The Cabinet noted that the Council had recently been awarded the Beacon Award for preventing Child Poverty. Members welcomed the Plan and noted the importance of working constructively with the Council's Partners in tackling Child Poverty.

In response to Members questions, Mr Collins advised that the proposed change of the Directorate name to "Children, Schools and Families Directorate" reflected the name of the relevant government department. He also informed the Cabinet that the bullying policies of all schools would be monitored closely. It was important that schools co-operate with the Council's Social Services.

Resolved:

1. That the draft Children and Young People's Plan 2009 -12 at Appendix 1 of the report (CAB 130/089) be endorsed and that Full Council be recommended to approve the plan subject to any appropriate amendments to reflect the views of Members;
2. That the Corporate Director of Children's Services, after consultation with the Lead Member for Children's Services, be authorised to make appropriate amendments to the Children and Young People's Plan in advance of consideration by Full Council;
3. That the proposed change of name from 'Children's Service's Directorate' to 'Children, Schools and Families Directorate' as set out in paragraph 4.6 of the report (CAB 130/089), be agreed.

7.2 Results of the Consultation on the 2010/11 Admission Arrangements for Tower Hamlets Community and Voluntary Controlled Schools (CAB 131/089)

Mr Kevan Collins, Corporate Director Children's Services, briefly presented the report and responded to the questions tabled by the Chair of the Overview and Scrutiny Committee. He advised that the issue of admission arrangements would be raised at all Governing Body meetings. In respect of nursery/play groups, the Council provided enough places for every child in the Borough, however could not make attendance at the groups mandatory. The growth of buildings provision would deal with the increases in population in the Borough.

In response to Members questions, Mr Collins advised that very few children and young people had to travel out of the Borough to school (approximately 5%) whereas the figure in other London boroughs was as much as 30-40%. The Council was working closely with the Faith schools in the Borough to ensure the welfare of all students and to develop teaching and leadership. However, not all students at Faith schools were from Tower Hamlets. It was noted that the key was to ensure that every school in the Borough achieved excellence.

Resolved:

1. That the admissions criteria to nursery schools, classes and early years units and primary schools be amended as set out at paragraph 4.1 of the report (CAB 131/089);
2. That re adoption be agreed as set out in (a) – (c) below:
 - (a) the primary co-ordinated admissions scheme, as set out at paragraph 5.1 of the report (CAB 131/089);
 - (b) the secondary co-ordinated admissions scheme as set out at paragraph 6.1 of the report (CAB 131/089)
 - (c) Tower Hamlets as the "relevant area" for admissions purposes as set out at paragraph 7.1 (CAB 131/089)

3. That the recommendation for the oversubscription criteria to 6th forms, as explained in paragraph 6.2 of the report (CAB 131/089), be agreed; and
4. That the recommendation to retain the current method for measuring home to school distance, as set out in paragraph 7.3 of the report (CAB 131/089), be agreed.

8. A SAFE AND SUPPORTIVE COMMUNITY

There were no items to be considered.

9. A HEALTHY COMMUNITY

There were no items to be considered.

10. ONE TOWER HAMLETS

There were no items to be considered.

10.1 Local Area Agreement (LAA) - Refresh (CAB 132/089)

Mr Kevin Kewin, Policy Manager, presented the report and advised that negotiations on indicators were ongoing. Mr Lutfur Ali, Assistant Chief Executive, responded to the question tabled by the Chair of the Overview and Scrutiny Committee, advising that target levels were being reconsidered in respect of housing delivery due to the economic downturn. It was noted that there was a proposed initiative to invest £20 million into Right to Buy Homes.

In response to Members' questions, Mr Ali advised that there had been a 6% improvement in the 3rd Sector Strategy and it was noted that PI N17 had been deferred by central government rather than the Council. Members requested that the appropriate Lead Member be consulted on Performance Indicators to enable them to feed into the process at an earlier stage; and that baseline data be included in future reports.

Resolved:

1. That the Local Area Agreement, attached at appendix A to the report (CAB 132/089), be endorsed;
2. That the Chief Executive, after consultation with the Leader of the Council, be authorised to make appropriate and necessary amendments to the LAA in advance of final submission and publication; and
3. That the Chief Executive, after consultation with the Leader of the Council, be authorised to prepare the revision proposal for submission to the Secretary of State.

10.2 Future of Out of Hours Telephone Service (CAB 133/089)

Ms Claire Symonds, Service Head Customer Access, presented the report and responded to the questions tabled by the Chair of the Overview and Scrutiny Committee. It was not known how many of the 60,000 calls received were from RSL properties. However, the Council charged the RSLs £20 per order which amounted to approximately £46,000 for the year and equated to approximately 10% of the total call volume. This would continue to be monitored. Members welcomed the improved service to residents and the better support for staff.

Resolved:

1. That the signing of an Access Agreement to join the Pan London Out Of Hours (PLOOH) service from 1st April 2009 for the life of the Framework Agreement (ie until September 2012), be agreed; and
2. That it be noted that the contract will be monitored and can be terminated with immediate effect in the event of unsatisfactory performance.

10.3 Award of the Benefits' Resilience Contract (CAB 134/089)

Ms Claire Symonds, Service Head Customer Access, presented the report and responded to the questions tabled by the Chair of the Overview and Scrutiny Committee. The Cabinet was advised that the contract could be reviewed as often as Members wished. There was no intention to outsource the service of dealing with benefits. Potential savings of £171,000 had been identified. The Council provided information and training for the organisations within the Borough dealing with benefit claims. The contract for the successful service provider would comply with the Council's policies and procedures, including those of equal pay and workforce to reflect the community. Members highlighted the need to reduce agency staff whilst still maintaining a service for residents.

Resolved:

1. That the Resilience Contract be awarded to RB Solutions Limited commencing April 2009 for a period of two years with an option of a further one year extensions by agreement to a total maximum contract period of four years;
2. That it be noted that this contract will be monitored and can be terminated by the Authority at the end of each year of the contract should performance not be to the satisfaction of the Corporate Director of Resources; and
3. That it be agreed that the award of the Contract, referred to in resolution 1 above, will be on the basis of the conclusions of the tender

evaluation on the grounds that RB Solutions Limited have demonstrated that they meet the agreed criteria for the selection of the supplier through the contract process, and as follows:

- (i) the needs of the Authority as set out throughout the tendering process;
- (ii) the ability to demonstrate the required service outcomes in terms of cost and quality; and
- (iii) the ability to support the effective development of the Council's developing requirements of the Service, in terms of innovation and of further partnership growth to mutual advantage.

11. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Councillor Rofique Ahmed informed the Cabinet that free swimming had been secured for under 16s and over 60s, taking place on Fridays in the Borough.

12. UNRESTRICTED REPORTS FOR INFORMATION

12.1 Strategic Plan and Corporate Revenue Budget Monitoring report 2008-09 Performance to 31st December 2008 (CAB 135/089)

Ms Claire Symonds, Service Head Customer Access, presented the report and advised that the transfer of the residual Housing Benefits Administration budget of £245,000 to Resources would not take place until further consultation had taken place with the new Corporate Director of Development and Renewal.

Resolved:

1. Consider any further action requested by the Overview and Scrutiny Committee;
2. That performance against targets for Strategic Indicators (Section 3 and **Appendix 1** of the report (CAB 135/089)), be noted;
3. That performance against targets for Priority Indicators (Section 3 and **Appendix 2** of the report (CAB 135/089)), be noted;
4. That the projected outturn for Directorate service budgets and for the total General Fund net expenditure budget for 2008/2009 in section 4.2 and **Appendices 3A-G** of the report (CAB 135/089), be noted;
5. That projected outturn for Directorate Trading Accounts for 2008/2009 as detailed in section 5.2 and **Appendix 4** of the report (CAB 135/089), be noted;

6. That the budget target adjustments as detailed in section 7, with the omission of 7.2.2.1 (transfer of residual Housing Benefits Administration budget to Resources) and **Appendix 5** of the report (CAB 135/089), be agreed;
7. That the performance against Service Improvement Growth targets in section 8.1 of the report (CAB 135/089), be noted;
8. That the projected spend against Area Based Grant (ABG) as detailed in section 9.1 of the report (CAB 135/089), be noted; and
9. That the 2008/09 performance against savings targets as detailed in section 10 and **Appendix 6** of the report (CAB 135/089), be noted.

12.2 Corporate Revenue Budget Monitoring 2009/2010 -Third Report - Housing Revenue Account (CAB 136/089) - To Follow

Mr Chris Holme, Service Head Resources, presented the report and highlighted the salient points. Councillor Marc Francis, Lead Member for Housing and Development advised the Cabinet that the lobbying of central government to reduce rent increases had been successful and that the Housing Minister had announced a 3.1% increase. The revised guidelines would amount to an approximately £2 per week increase. A report on the revised rent increase would be presented to the next meeting of the Cabinet.

Resolved:

1. That the projected outturn in respect of the 2008/09 Housing Revenue Account as detailed in Appendix A to the report (CAB 136/089), be noted; and
2. That the increase in the 2008/09 Management Fee for Tower Hamlets Homes from £39,253,000 to £39,823,000 in order to reflect the changes set out in paragraphs 3.3 to 3.5 of the report (CAB 136/089), be approved;

12.3 2008/09 Capital Programme: Capital Monitoring Report as at 31st December 2008 (CAB 137/089)

Mr Chris Holme, Service Head Resources, presented the report.

Resolved:

1. That the contents of the report (CAB 137/089), be noted;
2. That a capital estimate in the sum of £2.500 million for the acquisition of telephony equipment as set out in section 6 of the report (CAB 137/089), be adopted; and

3. That prudential borrowing of £2.500 million in 2009/10 to finance the purchase of the equipment as set out at Section 6 of the report (CAB 137/089), be approved.

13. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:

That in accordance with 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 contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government, Act 1972.

14. EXEMPT / CONFIDENTIAL MINUTES

Minutes of the ordinary meeting of the Cabinet held on 11th February 2009 agreed.

15. OVERVIEW & SCRUTINY COMMITTEE

There were no items to be considered.

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

There were no items to be considered.

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

There were no items to be considered.

16. A GREAT PLACE TO LIVE

There were no items to be considered.

17. A PROSPEROUS COMMUNITY

There were no items to be considered.

18. A SAFE AND SUPPORTIVE COMMUNITY

There were no items to be considered.

19. A HEALTHY COMMUNITY

There were no items to be considered.

20. ONE TOWER HAMLETS

There were no items to be considered.

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

There were no items to be considered.

22. EXEMPT / CONFIDENTIAL REPORTS FOR INFORMATION

There were no items to be considered.

The meeting ended at 6.45 p.m.

Chair, Councillor Lutfur Rahman
Cabinet