

Meeting of the

CABINET

Wednesday, 24 March 2021 at 5.30 p.m.

TABLED PAPERS

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5. OVERVIEW & SCRUTINY COMMITTEE	
5.1 Chair's Advice of Key Issues or Questions	
Chair of Overview and Scrutiny Committee (OSC) to report on any issues raised by the OSC in relation to unrestricted business to be considered.	3 - 16
5.2 Any Unrestricted Decisions "Called in" by the Overview & Scrutiny Committee	
(Under provisions of Section 30, Rule 59 of the Constitution).	17 - 22
Cabinet Decision 6.2 – Outcome of the revised approach to day support in adult social care.	
Overview and Scrutiny Committee's response to the call-in.	

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

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**Pre-Decision
Scrutiny
Questions
for
Cabinet
24th March, 2021**

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Item 6.1 Black Asian & Minority Ethnic Inequalities Commission Report	
Questions	Response
1. Page 11 of BAME inequalities reports states 23 recommendations, but on counting its showing 29 - which is correct?	The report makes 23 recommendations. Recommendation 1 focuses on the core actions required to become an anti-racist borough with six sub-recommendations.
2. What is the budget allocated to deliver these recommendations?	The budget for delivery of recommendations will be identified as part of the action plan development.
3. Which department is responsible for delivering these recommendations?	The strategy, policy and performance service will be responsible for overseeing the coordination with each directorate responsible for ensuring these recommendations are delivered throughout the council and our work with partners. In addition, we are currently developing an action plan which will assign action owners and ensure there is accountability in delivery. However, many of the recommendations are external facing and we will be working with partners to sign-up to the pledge and develop a plan to implement these recommendations. The partnership executive group will seek to establish a sub-group responsible for overseeing the coordination and reporting progressed related to implementation.

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Item 6.3 Community Hubs	
<p>1. What was the Capital Cost of building/converting the 5 community hubs?</p>	<p>The total capital cost of works to the five community hubs is £5.856m.</p>
<p>2. Page 21 appendix B "Locality Report 'Community Hubs in Tower Hamlets' " none of the 12 centres analysed were in the Isle of Dogs and South Poplar area, why?</p>	<p>The Locality report focusses on the five buildings that were designated as community hubs and seven buildings managed by TRAs which are freestanding community centres, rather than community rooms managed by TRAs. There are no council owned premises in the Isle of Dogs that match these criteria. The Cabinet report is concerned with the future management of the five community hubs.</p>
Item 6.4 Council Buildings Leased to Voluntary and Community Sector (VCS) Organisations	
<p>1. Appendix 7 page 21 4. "Where there is shared use of the same space, a reduced rate of 40% or 20% CBRR may apply using the principles set out in Appendix 3, Proportionate Rent Reduction"</p> <p>Is that rent reduction only applied to the space which has wider community use?</p>	<p>If there is a discreet, separately accessible space mainly used for prayer and other faith based activities, the council apportions the rent between this area and that used for inclusive community activity. The CBRR is then applied at the standard rate for the inclusive community area only.</p> <p>Where there is no clear physical distinction or there is a mix of activity the proportionate rent reduction principles would apply. If the inclusive community use is over 50% of the available</p>

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<p>If for example a space has a main hall exclusively used for prayer and side spaces used for a variety of purposes i.e. some prayer and sometimes community, is the reduction only applied to the side spaces?</p>	<p>time/space, CBRR will be applied on the whole rent at 40%. If inclusive use is between 25% and 50%, the CBRR rate is 20%.</p>
<p>2. Appendix 7 page 22 <i>"However, where an organisation is serving a specific local area where the majority of the population are active members of a particular faith,"</i> Are there any such local areas and where are they in Tower Hamlets? and by active is this defined as going to a place of worship on a regular basis to pray?</p>	<p>While no specific areas have been identified, this clause has been included to ensure this issue can be addressed in an open and consistent way. 'Active members' would normally be people who attend a place of worship.</p>

Item 6.6 Intermediate Housing Policy

1. On the intermediate housing register:

Why has the exclusive period been set to 3 months? Is this a realistic timeframe for applicants to hear about a property, view and bid, particularly given the affordability checks etc?

This is a prerogative afforded to all Local Authorities by the GLA in London (and by Homes England to authorities outside of London). It allows local authorities, where intermediate homes are built within their area, to set a local prioritisation for the initial first three months of marketing any intermediate housing schemes which are either fully or partially GLA funded. Thereafter, there is a requirement from the GLA that the marketing of these homes goes out to the wider London Pool of applicants. In utilising this prerogative, the Council will ensure that our residents have the first opportunity to apply for Intermediate homes built within the Borough. For ease and simplification, **the initial three months marketing using our localised prioritisation matrix will apply to all new intermediate housing schemes built within the Borough, irrespective of how these schemes have been funded.**

The new Intermediate Housing Register of interest is an additional marketing tool which registered providers and developers will be able to use to market any new schemes to applicants who have expressed an interest in intermediate housing products. The Intermediate Housing Register will be promoted on the website to all residents. Our Housing Options Service will also highlight this as an alternative housing solution when approached for housing advice, particularly where adult children residing with their parents seek alternative accommodation. The register can be used by the registered providers and developers to target local residents only during the initial three months of marketing. The three-month period does not imply that the entire end to end process of application has to be completed during that time frame. As long as

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Can you confirm that if eligible applicants are in the pipeline by the end of the 3-month period, they will not lose out to out-of-borough applicants who subsequently express interest? Why was 3-months chosen as a reasonable period of time?

a local applicant applies during those first three months, their application should continue to be progressed and prioritised.

Yes, applicants within our local prioritisation will be prioritised right up to the date that the initial three-month marketing period ends, they will be the only applicants who can apply during this time. The intention of the 'localised priority' in the first three months of marketing any new Intermediate Housing products is to give our residents a head start in advance of applicants from the wider London pool. Once that initial marketing period has ended and the intermediate homes are marketed to applicants pan-London, it will then be a case of whichever eligible applicant provides all the necessary paperwork first will securing one of these homes. The policy sets out to ensure that our residents have a head start in securing any new intermediate homes. We would expect that the RP/developer won't drop or hold back a local resident's application that is 'ready to go' in favour of a non-resident.

The initial three-month marketing period conforms with the GLA's Affordable Homes Programme 2021-2026 which allows Local Authorities to set their own prioritisation for the first three-initial months of marketing any new Intermediate Housing Schemes. It is also a reasonable compromise, registered providers and developers will need to sell on these homes and we could not impose any further restrictions which could delay a return on the registered provider/ developer's investment. Doing so could deter registered providers and developers from building the homes that we need in the Borough and impact on the delivery of new homes for all our residents.

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<p>Priority for households who would wholly vacate a social housing property is understood, but have you considered additional priority, perhaps after Forces, for alleviating other pressures on the list? For example, where a family is overcrowded, but would not be if adult children were to move out. While this won't free up property, it will ease pressure in band 2.</p>	<p>Officers considered additional priority groups and debated including (a definition) of key workers but decided not to include additional categories on the basis that the anticipated demand will be so great that we will not get down to any other additional categories .</p> <p>We anticipate that there will be significant interest in joining the register from applicants currently in Band 3 of the Common Housing Register, especially the adult children of residents in the Borough. The Housing Options Team will signpost potentially suitable applicants towards the Intermediate Housing Register of interest.</p>
<p>2. Will a similar 3-month rule apply to private for sale homes developed/owned by LBTH or partner housing associations in Tower Hamlets?</p>	<p>No. the initial three-month marketing rule applies only to new intermediate housing products, including shared ownership homes.</p>
<p>3. Some local RP's have their own schemes like shared ownership and key worker. Is this list going to include those schemes or remain separate?</p>	<p>The localised prioritisation for the initial three months of marketing will apply to all new intermediate housing schemes and products within the borough.</p>

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Item 6.8 London Dock School

1. 8.12 refers to the lack of certainty over who the provider will be, albeit that DfE have expressed the intention to work with Mulberry. When will this be certain? Is there any scope to hold off on exposure to clawback until this has been confirmed?

There is currently no uncertainty over the provider of the new school, and this will be the Mulberry Schools Trust. Paragraph 8.12 simply refers to the theoretical ability of the DfE to appoint a different academy provider.

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Item 6.9 Contract Forward Plan 2020-21 Quarter Four

6.9a Appendix. 2 - Contracts Forward Plan 2020/21 – Quarter Four

1. Can we include details of the contract length to allow us to better understand and judge the value of the contract?

Length of contracts will be included as part of all future reports.

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<p>Non-Executive Report of the:</p> <p>Overview and Scrutiny Committee</p> <p>22 March 2021</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Cllr James King, Chair Overview and Scrutiny Committee</p>	<p>Classification: Unrestricted</p>
<p>Call-in of 'Revised approach to day support in adult social care'</p>	

EXECUTIVE SUMMARY

The Decision made by Cabinet on Wednesday, 3 March 2021 in respect of agenda item 6.2 'Revised approach to day support in adult social care' was 'called in' under the Overview and Scrutiny Committee Procedure Rules of the Council's Constitution by Councillors Gabriela Salva-Macallan, Shah Ameen, Shad Chowdhury, Tarik Khan and Victoria Obaze ('Call-in Members').

On 18 March 2021, the Overview and Scrutiny Committee (Committee) convened a meeting to consider the following:

- the Cabinet report
- the Cabinet Decision published on 5 March 2021
- the "call in" requisition from the Call-in Members (undated)
- representations by the Call-in Members
- representations from a member of the community
- representations by the Cllr Rachel Blake, Cabinet Member for Adults Health and Wellbeing

The Committee **RESOLVED** that the decision be referred to the Cabinet for reconsideration, including consideration of the alternative courses of action set out below:

1. LBTH should retain the Day Opportunities Centres with a review of the funding that might be sought from assets and use from the wider community, and any new or existing grants available for allocation to adult social care
2. The co-production of services needs to include Pritchard's Roads service users, who have not been fully afforded the opportunity to engage with coproduction of services
3. That the Pritchard's Road Day Centre continues as an "in-house" service for the next two years as we are in the midst of mental health crisis
4. The Committee would like to see the previous reviews undertaken about Day Opportunities Centres, and information the council has about the impact of the proposed changes (new Hub) to existing activities/services at Sonali Gardens
5. LBTH should implement a slower and more phased implementation of the integration of alternative provision

6. That the Council action the Government's guidelines regarding the reopening of day care centre's
<https://www.gov.uk/government/publications/coronavirus-covid-19-testing-for-adult-day-care-centre-workers>
7. That a fresh consultation should be carried out with service users from April 2022, once they have had a chance to return to their centres and discuss the Mayor's proposed changes collectively
8. That the council undertake an audit of promotional materials, so that centres are advertised as widely as needed to achieve their full potential

1. THE CABINET'S DECISION

1.1 The Cabinet's decision, published on 5 March 2021:

- To agree the closure of Physical Disability Day Opportunities, Riverside day centre and Pritchard's Road day centre with effect from 4 May 2021
- To agree to develop Russia Lane as a 'dementia hub' day service
- To agree to open a community support hub from May 2021 onwards (if it is safe to do so in light of the Covid-19 pandemic)
- To endorse the proposal to encourage more people to organise their own day support through a direct payment
- To agree the commitment to make Tower Hamlets a more inclusive place for people with care and support needs

2. THE 'CALL IN' REQUISITION

2.1 The alternative course of action proposed in the call-in is as follows:

1. LBTH should retain the Day Opportunities Centres with a review of the funding that might be sought from assets
2. Funding for these day centres should be drawn down from the additional and unexpected £2.9 million Social Care Grant awarded to LBTH
3. The spaces provided by these centres should be used as part of a wider community offer, including after 4pm when Day Centre service users are not using them, in order to generate income and provide an additional community resource
4. That capital allocation be used to ensure that the centres be suitably adapted to meet the needs of specific types of service users and that all service users, carers and providers will have confidence that they are suitable high quality spaces to use to hire for community use
5. The co-production of services needs to include Pritchard's Roads service users, who have not been fully afforded the opportunity to engage with coproduction of services
6. That the Pritchard's Road Day Centre continues as an "in-house" service for the next two years as we are in the midst of mental health crisis
7. LBTH should implement a slower and more phased implementation of the integration of alternative provision
8. That the Council action the Government's guidelines regarding the reopening of day care centre's
<https://www.gov.uk/government/publications/coronavirus-covid-19-testing-for-adult-day-care-centre-workers>

9. That a fresh consultation should be carried out with service users from April 2022, once they have had a chance to return to their centres and discuss the Mayor's proposed changes collectively
10. That the council undertake an audit of promotional materials, so that centres are advertised as widely as needed to achieve their full potential

3. CALL-IN MEMBERS' PRESENTATION

3.1 Call-in members presented the reasons for call-in and proposed alternative course of action, and added that:

- Keeping in-house provision very important
- Pandemic impacts leave an important ongoing need in recovery
- Care and support for individuals vitally important for future positioning for the council – even given the discretionary nature of day care/support
- Other councils (Haringey) are investing in these services, not reducing them
- Existing centres play an important community role with many services provided

3.2 A member of the community, Mr Zakir Hussain, spoke about his concerns about the Cabinet decision to the Committee, and added that:

- New hubs don't prioritise mental health, which is contrary to recognition of pandemic impacts
- No clarity of specific services to be delivered from new hub, to replace existing arrangements at the Pritchard's Road or Riverside centres – where specialists are on-site
- No alternative suggested for day opportunities
- Consultation was not fit for purpose

3.3 Committee members posed a number of questions concerning:

- services affected by the closure of both Riverside and Pritchard's Road day centres
- the kind of day support provided during the pandemic lockdown
- how the consultation was received
- concerns about the new Hub
- slower, more phased implementation of changes
- different funding options

4. LEAD MEMBER'S PRESENTATION

4.1. The Lead Member reflected that it was clear from consultation that services are highly valued; and talked about:

4.2. The design of the future service – continuing to meet collective needs, which is why there's a flexible and safe support hub at Sonali Gardens, which also arranges services at the spokes (other locations); therefore replacement services are considered.

- 4.3. The transition services set out – social worker assessments, specialists’ transition arrangements for Pritchard’s Road, commissioned mental health services
- 4.4. Budget issues – will be spending £5 million more in ASC in response to need
- 4.5. Alternative courses of action – cannot retain as it will not meet overall need; using £2.9 million won’t work; co-production is a good option; transitioning into new hub could be an important part of pandemic recovery.
- 4.6. The Committee asked further questions on matters including:
 - Staff impacts associated with closing centres
 - Accessing the new hub – different location in the borough
 - Consultation – open and closed questions
 - Communications of the proposed changes for users/community

5. CONSIDERATION OF THE ‘CALL IN’

- 5.1. After hearing from the Call-in Members and the Lead Member, the Committee considered the following issues and concerns:
 - following the concerns raised previously about the budget and savings proposals, the Committee remains unconvinced about the council cutting services at this time, during pandemic impacts and recovery, and putting money into reserves
 - the overall budget for day support is relatively small for our most vulnerable, and that the scale of the proposed changes is too large to cope with, and at this stressful time in people’s lives (pandemic)
 - changes (new hub) will mean different access/transport issues for people
 - limitations about the consultation

6. RECOMMENDATIONS

- 6.1. The Committee unanimously RESOLVED that the decision be referred to the Cabinet for reconsideration, including consideration of the alternative courses of action set out in the call-in requisition with the following additional and amended wording:
 - point 1 – add ‘..and use from the wider community, and any new or existing grants available for allocation to adult social care.’
 - remove points 2, 3 and 4
 - add that OSC would like to see the previous reviews undertaken about Day Opportunities Centres, and information the council has about the impact of the proposed changes (new Hub) to existing activities/services at Sonali Gardens
- 6.2. Therefore, the Committee proposes the following alternative courses of action:
 1. LBTH should retain the Day Opportunities Centres with a review of the funding that might be sought from assets and use from the wider community, and any new or existing grants available for allocation to adult social care

2. The co-production of services needs to include Pritchard's Roads service users, who have not been fully afforded the opportunity to engage with coproduction of services
3. That the Pritchard's Road Day Centre continues as an "in-house" service for the next two years as we are in the midst of mental health crisis
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8. That the council undertake an audit of promotional materials, so that centres are advertised as widely as needed to achieve their full potential

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