

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.05 P.M. ON WEDNESDAY, 21 OCTOBER 2020

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present:

Mayor John Biggs	
Councillor Sirajul Islam	(Statutory Deputy Mayor and Cabinet Member for Housing)
Councillor Rachel Blake	(Deputy Mayor and Cabinet Member for Adults, Health and Wellbeing)
Councillor Asma Begum	(Deputy Mayor and Cabinet Member for Community Safety, Youth and Equalities)
Councillor Sabina Akhtar	(Cabinet Member for Culture, Arts and Brexit)
Councillor Danny Hassell	(Cabinet Member for Children and Schools)
Councillor Candida Ronald	(Cabinet Member for Resources and the Voluntary Sector)
Councillor Motin Uz-Zaman	(Cabinet Member for Work and Economic Growth)
Councillor Asma Islam	Cabinet Member for Environment and Public Realm (Job Share) - Lead on Environment
Councillor Eve McQuillan	Cabinet Member for Planning and Social Inclusion (Job Share) - Lead on Planning
Councillor Dan Tomlinson	Cabinet Member for Environment and Public Realm (Job Share) - Lead on Public Realm

Other Councillors Present:

Councillor Andrew Wood	
Councillor Peter Golds	(Leader of the Conservative Group)
Councillor James King	

Others Present:

Christabel Shawcross	(Safeguarding Adults Board Chair LBTH)
Cheytan Vyas	(Director of Quality and Safety, WEL Clinical Commissioning Group)
Georgina Zumeris	(Detective Chief Inspector Safeguarding)

Officers Present:

Kevin Bartle	Interim Divisional Director of Finance, Procurement and Audit
Adam Boey	(Senior Strategy & Policy Manager - Corporate)
Claudia Brown	(Divisional Director of Adults Social Care)
David Courcoux	(Head of the Mayor's Office)
Emily Fieran-Reed	(Service Manager, Community Cohesion,

Asmat Hussain	Engagement and Commissioning, Strategy, Policy and Equality) (Corporate Director, Governance and Monitoring Officer)
Dan Jones	(Divisional Director, Public Realm)
Mehmet Mazhar	(Business Manager, Highways & Traffic Management)
Denise Radley	(Corporate Director, Health, Adults & Community)
Ann Sutcliffe	(Corporate Director, Place)
James Thomas	(Corporate Director, Children and Culture)
Will Tuckley	(Chief Executive)
Ikwi Mkparu	School Organisation and Place Planning Manager
Phil Carr	(Strategy and Policy Manager, HAC)
Karen Swift	(Divisional Director, Housing)
Matthew Mannion	(Head of Democratic Services, Governance)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Mufedah Bustin, Cabinet Member for Planning and Social Inclusion (Job Share) – Lead on Social Inclusion
- Neville Murton, Corporate Director, Resources for whom Kevin Bartle, Divisional Director, Finance, Procurement and Audit deputised.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no Declarations of Disclosable Pecuniary Interests but Councillors Motin Uz-Zaman and James King noted in respect of Agenda Item 6.7 (Extension of Housing Repairs and Maintenance Contract) that they were leaseholders. They took part in discussion of that item.

3. UNRESTRICTED MINUTES

DECISION

1. That the unrestricted minutes of the Cabinet meeting held on Wednesday 23 September 2020 be approved and signed by the Chair as a correct record of proceedings.

4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR

See the minutes.

5. OVERVIEW & SCRUTINY COMMITTEE

5.1 Chair's Advice of Key Issues or Questions

Pre-Decision Scrutiny Questions and officer responses were tabled in respect of Agenda Items:

- 6.1 Safeguarding Adults – Board Annual Report
- 6.2 Safeguarding Children – Board Annual Report
- 6.3 Amalgamation of Cubitt Town Schools
- 6.4 Proposed closure of Shapla Primary School
- 6.5 Covid-19 Volunteer Hub Grant Variation
- 6.6 Approval of Procurement of Electric Vehicle Charge Points
- 6.7 Extension of Housing Repairs and Maintenance Contract

These were considered during discussion of the relevant items.

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

The Call-In of the report considered at the Cabinet Meeting held on 23 September 2020 titled 'Common Housing Register Allocations Scheme' was considered.

DECISION

1. That all recommendations that were not specifically challenged in the Call-In be implemented.
2. That reconsideration of the remaining two recommendations be deferred until the next Cabinet meeting on 28 October 2020.

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 Safeguarding Adults Board Annual Report 2019-20

The Pre-Decision Scrutiny Questions and officer responses were noted.

DECISION

1. To note the Safeguarding Adults Board Annual Report 2019-20.

Action by:

CORPORATE DIRECTOR, HEALTH, ADULTS AND COMMUNITIES (D. RADLEY)

(Adults Safeguarding Governance and Strategy Manager (S. Ahmed))

Reasons for the decision

It is a statutory requirement to publish a Safeguarding Adults Board annual report. 2014 Care Act statutory guidance states that one of the three core duties of a Safeguarding Adults Board is:

“It must publish an annual report detailing what the SAB has done during the year to achieve its main objective and implement its strategic plan, and what each member has done to implement the strategy as well as detailing the findings of any safeguarding adults reviews and subsequent action”.

The content of the Annual Report has been developed and agreed by the executive members of the Tower Hamlets Safeguarding Adults Board. It was presented and agreed at the Safeguarding Adults Board on the 3rd of September 2020

Alternative options

The content and format of the Safeguarding Annual Report can be revised in line with feedback.

6.2 Tower Hamlets Safeguarding Children Partnership Annual Report 2019-20

The Pre-Decision Scrutiny Questions and officer responses were noted.

DECISION

1. To note the changes in the partnership model and the transition from the Local Safeguarding Children Board to the Tower Hamlets Safeguarding Children Partnership.
2. To note the work that has been carried out by the Tower Hamlets Safeguarding Children’s Partnership over the year 2019-20.
3. To note the specific equalities considerations as set out in paragraph 4.1 of the report.

Action by:

CORPORATE DIRECTOR, CHILDREN AND CULTURE (J. THOMAS)
(Tower Hamlets Safeguarding Children Partnership Manager (L. Griffiths))

Reasons for the decision

The Tower Hamlets Safeguarding Children Partnership (THSCP) is required to publish an annual report on the effectiveness of safeguarding and promoting the welfare of children in its locality. The THSCP annual report, which fulfils this responsibility, is appended to this paper.

The content of the Annual Report has been developed and agreed by the THSCP statutory partners from the local authority, clinical commissioning group and the borough police.

Alternative options

This is a noting report.

6.3 Report on outcome of the preliminary stakeholder consultation (pre-statutory) on the proposal for the amalgamation of Cubitt Town Infants' and Cubitt Town Junior Schools.

The Pre-Decision Scrutiny Questions and officer responses were noted.

DECISION

1. To agree to move to the publication of a statutory notice for 28 days, in respect of the proposal to amalgamate Cubitt Town Infants and Junior Schools into an all-through 3 to 11 years' primary school. This would take effect from 1st September 2021.
2. To note the Equalities Assessment as set out in Section 4 of the report and attached as Appendix 2 to the report.

Action by:

CORPORATE DIRECTOR, CHILDREN AND CULTURE (J. THOMAS)

(Service Head for Pupil Access and School Sufficiency (T. Bryan)

(School Organisation Manager (I. Mkparu)

Reasons for the decision

The recommendation is made in order to determine the Council's response to the proposal for the amalgamation of Cubitt Town Infants' and Cubitt Town Junior Schools.

The proposal to combine the schools has been put forward following the planned retirement of the headteacher of Cubitt Town Infants' School and after the schools governing bodies considered it was now the right time for the two schools that work closely together to become a single 3-11 Primary School.

The amalgamation would be achieved through the technical closure of Cubitt Town Infants School and the expansion of the age range of Cubitt Town Junior school, to accommodate the displaced pupils. The remaining primary school (3-11) would retain its original school Department for Education (DfE) number, as it is not a new school, even though its phase has changed.

In line with the DfE guidance (November 2019), 'Making significant changes (prescribed alterations) to maintained schools' and 'Opening and Closing Maintained Schools', a public consultation has been undertaken, and a report on the outcome of the consultation has been published on both the Council and Schools' websites.

This Report includes feedback on the representations received following the first publication of the proposals on the 8th June 2020.

Alternative options

Option 1: to move to the publication of a statutory notice for 28 days, which is the next stage in the statutory consultation process. This will provide further

opportunity for consultees to have their say and set legal objections against the proposal.

Option 2: not to move to the publication of a statutory notice, but to cease the proposal after the formal consultation period. This would mean not concluding the full statutory consultation process in order to take the decision to establish the newly amalgamated school.

6.4 Report on the outcome of the preliminary stakeholder consultation (pre-statutory) on the proposal to close Shapla Primary school.

The Pre-Decision Scrutiny Questions and officer responses were noted.

DECISION

1. To agree to move to the publication of a statutory notice for 28 days, in respect of the proposal to close Shapla Primary School. This will take effect from 31st August 2021, with the displaced pupils admitted to other nearby schools.
2. To note the Equalities Assessment set out in Section 4 and attached as Appendix 2.

Action by:

CORPORATE DIRECTOR, CHILDREN AND CULTURE (J. THOMAS)

(Service Head for Pupil Access and School Sufficiency (T. Bryan)

(School Organisation Manager (I. Mkparu)

Reasons for the decision

The recommendation is made in order to determine the Council's response to the proposal for the closure of Shapla Primary School.

The decision to propose the closure of Shapla Primary School has reluctantly been taken due to a significant decline in its pupil numbers. Pupil numbers in Tower Hamlets schools are currently falling, particularly in the West of the borough where Shapla School is situated. This means that Shapla School, along with other schools, has not had sufficient children to fill its classes. All year groups are now operating at classes well below their planned capacity of 30.

The fall in pupil numbers has adversely affected this small school's budget to the extent that protecting the quality of education has led to Shapla having significant financial difficulty and needing to apply to the Local Authority for a licensed deficit. In accordance with school funding regulations, this deficit must be repaid within the required three-year timeframe. Where a deficit cannot be repaid it is incumbent upon the School and the Local Authority to consider options for the School's future viability, including school closure.

Having considered the School's position and the limited options available it was necessary to consult on the proposal for Shapla to close, whilst ensuring that the displaced children can be accommodated in other nearby schools.

The proposal is for the closure to take effect from the 31st August 2021 and the process is therefore being undertaken in accordance with Department for Education (DfE) Guidance on 'Opening and Closing Maintained Schools'. So far, an initial public consultation has been undertaken, and a report on the outcome of the consultation has been published on the Council and School website.

This Consultation Report, at Appendix 1 of the report, includes feedback on the representations received following the first publication of the proposals on the 8th June 2020.

Alternative options

Option 1: to move to the publication of a statutory notice for 28 days, which is the next stage in the statutory consultation process. This will provide further opportunity for consultees to have their say and set legal objections against the proposal.

Option 2: not to move to the publication of a statutory notice, but to cease the proposal after the formal consultation period, this would mean not concluding the full statutory consultation process in order to take the decision to close the School.

Option 1 is preferred as it takes the proposal to the next stage in the full statutory consultation process. It allows all consultees to fully consider the proposal for the School to close during an additional 28 day period and before the Mayor (in Cabinet) is required to make a final determination in March of next year.

6.5 Covid 19 Volunteer Hub - Grant Variation for Capacity Building and Infrastructure Grant Programme

The Pre-Decision Scrutiny Questions and officer responses were noted.

DECISION

1. To agree the proposed grant variation to the funding agreement between the Council and Tower Hamlets Council for Voluntary Service (THCVS) in relation to the Infrastructure and Capacity Building Grants Programme. This grant is delivered by a partnership led by THCVS, with the relevant element within that delivered by Volunteer Centre Tower Hamlets (VCTH). The proposed variation will change the volunteering focus of the programme to prioritise the delivery of a Covid-19 Volunteering Hub to VCS organisations.

Action by:

CHIEF EXECUTIVE (W. TUCKLEY)

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

(Strategy and Policy Manager (M. Waterman)

(Senior Strategy and Policy Manager (E. Fieran-Reed)

Reasons for the decision

The Council has been funding Volunteer Centre Tower Hamlets (VCTH), from mid-March to the end of September 2020, to set up and manage the Covid-19 Volunteering Hub in order to link volunteers in Tower Hamlets to volunteering opportunities to respond to the Covid-19 pandemic. The Hub has played a significant role in the response to the pandemic in the borough.

Council funding for VCTH to manage the Covid-19 Volunteering Hub concluded on 30th September 2020. There is an urgent need for the work of the Covid-19 Volunteering Hub to continue to support the response in the borough, particularly from VCS organisations, to the second wave of the Covid-19 pandemic. The proposal to continue its important work is:

- The Council would fund VCTH to continue to manage the delivery of the Volunteering Hub for a further 12 months (October 2020-September 2021) in order to support the response to the second wave of the Covid-19 pandemic in the borough.
- The Council funding for the VCTH's management of the Hub would come from two sources – 1) a new contract funded by the public health covid grant – this would cover volunteering with the Council – this is not the subject of this paper but is mentioned for context; and 2) grant funding from the Infrastructure and Capacity Building Grants Programme, which is delivered by a partnership led by THCVS. VCTH is the relevant partner in this Programme in relation to the proposed variation.

The grant variation proposes a change of priorities for VCTH in the Programme, with around 60% of the funding VCTH receives as part of the grant for this Programme being diverted to fund VCTH's continued management and delivery of the Covid-19 Volunteering Hub through the Programme.

Alternative options

LBTH does not approve the grant variation. This is not a viable alternative, due to the need to address the challenges presented to the borough by the second wave of the Covid-19 pandemic. The volunteering support delivered by VCS organisations in the first wave of the pandemic, was supported by VCTH securing additional volunteers. This played a crucial role in the response to the first wave of the pandemic in the borough. A similar response, with similar levels of volunteers in the borough's VCS organisations, will be required to effectively meet the challenges of the second wave of the pandemic in the borough. Furthermore, volunteering will be one of the key priorities of the new Voluntary and Community Sector Strategy for 2020-2024 that the Council has been developing with the VCS, led by THCVS, Tower Hamlets Clinical Commissioning Group and Tower Hamlets Homes.

The Council manages the Covid-19 Volunteering Hub directly. This is not a viable or preferred option as:

- the Council does not have the staff with the required expertise and skills to directly manage the Hub.
- the Council does not have the credibility that VCTH has in engaging with local VCS organisations in regards to their volunteering needs of being a VCS organisation itself or of having a specialist remit in regards to volunteering.
- there will be start-up costs for LBTH in assuming responsibility for managing the Hub as it would have to establish its own systems and procedures for the Hub
- the Council does not have established relationships with the Hub's volunteers.

The Council funds VCTH to manage the Covid-19 Volunteering Hub activity relating to VCS organisations between October 2020-September 2021 from an alternative source. This is not a viable option as we have not been able to identify any alternative sources of funding for this work.

6.6 Approval of Procurement of Electric Vehicle Charge Points

Reasons for urgency were noted.

The Pre-Decision Scrutiny Questions and officer responses were noted.

DECISION

1. To adopt a capital estimate of £170,250 to be included in the capital Programme 2020/21, and earmark £56,750 from the Highways & Transportation Service Streetscene Enhancement Revenue budget to deliver 100 Electric Vehicle Charge Points by 31 March 2021.
2. To approve the use of the TfL (GULCS) Electric Vehicle Charging Infrastructure Framework to procure these EVCP's.

Action by:

CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

(Team Leader Programme Monitoring and Commissioning (M. Cooper))

Reasons for the decision

To ensure Financial Regulations are followed in the procurement of EVCP's.

To ensure progress on the delivery of the Strategic Plan target for 250 EVCP's on street by 2022.

Alternative options

The alternative is to take no action.

6.7 Extension of contract H3190 “Housing Repairs and Maintenance and Gas Servicing and Repair”

The Pre-Decision Scrutiny Questions and officer responses were noted.

DECISION

1. To agree to extend the existing contract H3190 for housing repairs, maintenance, and gas servicing and repair for 8 months from 1st April 2021 to 30th November 2021 with an option to exit any of the four service elements earlier; the value of the contract extension is estimated to be up to £10M (the total contract value over ten years is around £160M) – this is not a requirement for additional funds; this is budgeted for within existing budgets for 2021/22
2. To note the risk and mitigation actions in relation to leasehold recharging that will be in place (Appendix B to the report).

Action by:

CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

(Divisional Director, Housing and Regeneration (K. Swift))

Reasons for the decision

Mears Ltd provides repairs and maintenance services to all Council housing stock. These services include statutory repair obligations to residents in council housing. The contract is due to expire on March 31st, 2021. This single contract is planned to be replaced by 4 new contracts originally due in April 2021 but delayed primarily due to the disruption caused by the Covid-19 pandemic. An extension of the existing contract for a period of 8 months is required to maintain repairs services to the housing stock. The contract extension will retain all existing contractual and service provisions, so there will be no change in the service delivered.

Alternative options

Due to the scale of operations across the borough and the required upfront mobilisation costs in relation to the services, options are very limited.

Procure a short-term open market contract for 8 months - this option would not stimulate market interest as this type of contracts normally warrant long durations (10 years). The upfront costs present significant commercial risk to companies who are not likely to express interest. Corresponding operational disruption in changing suppliers for the short term would likely cause a significant downturn in performance.

Procure new short-term contracts via an existing third-party framework. For 3 of the 4 services provided it would require extensive leasehold consultation across the borough and would present the same commercial challenges as above.

Extend the existing Mears contract – This option provides the best opportunity for services continuity with the least amount of disruption and a high degree of

cost certainty. There are some risks with the recovery of leasehold income however Tower Hamlets Homes have undertaken a risk-based approach to those works which fall within the scope of leasehold charges. See Appendix B (Leaseholder re-charging risk mitigation).

6.8 Financial Arrangements for Tower Hamlets' Better Care Fund 2019-20 Programme (Section 75)

DECISION

1. To agree to the Council entering into a joint agreement with Tower Hamlets Clinical Commissioning Group, under Section 75 of the NHS Act 2006, to give formal (retrospective) effect to the 2019-20 Better Care Fund Plan and programme and delegate the Corporate Director Health, Adults and Community the power to authorise the execution of the S75 agreement and any related documents
2. To approve the draft Section 75 agreement attached as Appendix 1 to this report and agree that any final amendments to the Section 75 agreement should be delegated to the Corporate Director Health, Adults and Community, following consultation with the Corporate Director, Governance and Monitoring Officer;
3. To agree to delegate to the Corporate Director, Health, Adults & Community the authority to make amendments and enter into subsequent Better Care Fund Section 75 agreements for a period of five years from 2020/2021 including the power to authorise the execution of any of the relevant S75 agreements and any other related documents. Formal delegation will end on 31st March 2025.

Action by:

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

(Director of Integrated Commissioning (W. Tomsett))

Reasons for the decision

It is a condition of receipt of Better Care Fund (BCF) resources that there should be a joint agreement between the Council and the CCG under Section 75 of the NHS Act 2006 outlining how the money will be spent and the arrangements for its governance

A signed Section 75 is required for audit purposes in support of local Better Care Fund plans and at present plan for 2019-20 is not supported by an up to date Section 75 agreement. This report seeks agreement of our Section 75 agreement for this period and also requests delegation for agreement of future BCF plans providing that BCF plans are supported by the Health and Wellbeing Board.

Alternative options

Not to agree delegation of future Section 75 agreements and to continue with current arrangements which require Section 75 agreements to come to Cabinet for Mayoral approval on an annual basis.

7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

8. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

9. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

10. OVERVIEW & SCRUTINY COMMITTEE

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

Nil items.

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

Nil items.

11. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION

Nil items.

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

Nil items.

The meeting ended at 6.41 p.m.

Mayor John Biggs