

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE CABINET

HELD AT 5.33 P.M. ON WEDNESDAY, 9 MARCH 2022

**COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present in Person:

Mayor John Biggs	
Councillor Asma Begum	(Deputy Mayor and Cabinet Member for Children, Youth Services, Education and Equalities (Statutory Deputy Mayor)
Councillor Rachel Blake	(Deputy Mayor and Cabinet Member for Adults, Health and Wellbeing)
Councillor Motin Uz-Zaman	(Deputy Mayor and Cabinet Member for Work, Economic Growth and Faith)
Councillor Danny Hassell	(Cabinet Member for Housing)
Councillor Sirajul Islam	(Cabinet Member for Community Safety)
Councillor Candida Ronald	(Cabinet Member for Resources and the Voluntary Sector)
Councillor Mufeedah Bustin	Cabinet Member for Social Inclusion – (Job Share post as part of Social Inclusion and Public Realm portfolio)

Members In Attendance Virtually:

Councillor Sabina Akhtar	(Cabinet Member for Culture, Arts and Sports)
Councillor Asma Islam	(Cabinet Member for Environment and Planning)

Other Councillors In Attendance Virtually:

Councillor Mohammed Pappu

Others Present in Person:

Alison Gawthrop	Tower Hamlets Education Partnership
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Others In Attendance Virtually:

James Courtney	NHS North East London CCG
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Officers Present in Person:

Thorsten Dreyer	(Corporate Head of Strategy & Improvement)
Emily Fieran-Reed	(Senior Strategy and Policy Manager, Corporate Strategy & Policy, Communities Team, Governance)
Will Tuckley	(Chief Executive)
James Thomas	(Corporate Director, Children and Culture)
Matthew Mannion	(Head of Democratic Services, Governance)

Officers In Attendance Virtually:

Dr Somen Banerjee	(Director of Public Health)
Kevin Bartle	(Corporate Director, Resources & Section 151 Officer)
Stephen Bramah	Head of the Mayor's office)
Terry Bryan	(Service Head (Pupil Access and School Sufficiency))
Michael Darby	(Head of Parking & Mobility Services)
Janet Fasan	(Director of Legal & Monitoring Officer)
Sharon Godman	(Director, Strategy, Improvement and Transformation)
Dan Jones	(Director, Public Realm)
Daniel Kerr	(Strategy and Policy Manager)
Ahsan Khan	(Chief Accountant)
Peter Maskell	(Interim Head of Procurement)
Steve Nyakatawa	(Director of Education)
Damian Patchell	Markets Manager
Ann Sutcliffe	(Corporate Director, Place)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Kahar Chowdhury (Cabinet Member for Highways and Public Realm)
- Denise Radley, Corporate Director, Health, Adults and Community, for whom Somen Banerjee, Director of Public Health, was deputising.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no Declarations of Disclosable Pecuniary Interests.

3. UNRESTRICTED MINUTES**DECISION**

1. That the unrestricted minutes of the Cabinet meeting held on Wednesday 9 February 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 relation to Agenda Items 6.4 (Service Action Plan: Parking Policy) and 6.7 (Therapy Provision for Children Under 5 with Special Educational Needs). These were considered in relation to the relevant agenda items.

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

Nil items.

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 Annual Equality Report 2020-21

DECISION

1. To note the contents of the Tower Hamlets Council Annual Equality Report at Appendix 1 to the report.

Action by:

DIRECTOR OF STRATEGY, IMPROVEMENT AND TRANSPORTATION (S. GODMAN)

(Strategy, Policy and Performance Officer (I. Raakin)

(Cohesion, Engagement and Commissioning Manager (E. Fieran-Reed)

(Corporate Strategy and Improvement Manager (A. Hoque)

Reasons for the decision

The Tower Hamlets Annual Equality Report highlights key achievements from April 2020 to November 2021 in relation to the council's equality objectives. Through our investment, interventions and activities, we are addressing the inequalities identified through analyses of local data, reviews and wider engagement with the local community. The achievements detailed in the report covers key equalities work area including our Borough Profile, Borough Equality Assessment, Poverty Review, Black Asian and Minority Ethnic Inequality Commission, Covid-19 Impact Assessment and digital inclusion.

Alternative options

The council could choose not to publish its progress against inequality in the borough. Equality is already embedded throughout the council's plans, strategies and activities; however, it is considered that reporting on our progress against known equalities helps demonstrate the council's commitment to addressing inequalities and meeting its statutory duties under the Equalities Act (2010).

6.2 Strategic delivery and performance reporting – Q3 2021/22

DECISION

1. To note the strategic delivery and performance report for quarter 3 of 2021/22;
2. To note that the Covid-19 pandemic continues to have an impact on service delivery in some parts of the council;
3. To note the performance of the strategic measures, including those measures where the minimum expectation has been missed.

Action by:

CHIEF EXECUTIVE (W. TUCKLEY)

(Director, Strategy, Improvement and Performance (S. Godman)

(Head of Intelligence and Performance (T. Dreyer)

(Senior Intelligence and Performance Manager (J. Haynes)

(Intelligence and Performance Manager (V. Allen)

Reasons for the decision

The council is committed to improving outcomes for residents. Our corporate priorities and outcomes are found in our Strategic Plan and provide a framework for action.

Our Performance & Accountability Framework sets out the process for monitoring the timely and effective delivery of the Strategic Plan to improve outcomes for residents. In line with the framework, Cabinet receives regular update reports to ensure oversight of pace, delivery, performance and improvement activities. Cabinet receives a report on performance indicators only in quarters 1 and 3 of the financial year while at the mid-year and end-of-year points (quarters 2 and 4), the report also includes a progress update on delivery of our Strategic Plan actions.

This report promotes openness, transparency and accountability by enabling Tower Hamlets residents to track progress of activities that impact on their lives and the communities they live in.

Alternative options

Cabinet may decide not to review the delivery and performance information. This is not recommended as Members have a key role to review and challenge underperformance and to utilise performance information to inform resource allocation.

6.3 Budget monitoring report 2021-22 – P9 (including Capital)

DECISION

1. To note the Council's projected outturn position against General Fund, Dedicated Schools Budget, Housing Revenue Account and earmarked reserves for 2021-22, based on forecasts as at 31st December 2021;
2. To note the reserves position of the Council is uncertain pending the closure of the statement of accounts for the period 2016 – 2021;
3. To note the progress made against the 2021-22 savings targets, based on forecasts as at 31st December 2021;
4. To note the Council's projected outturn position against General Fund and Housing Revenue Account capital programme approved budgets, based on forecasts as at 31st December 2021;
5. To note that there are no equalities implications directly resulting from this report, as set out in Section 4 of the report.

Action by:

INTERIM CORPORATE DIRECTOR, RESOURCES (K. BARTLE)

(Head of Strategic Finance and Chief Accountant (A. Khan))

Reasons for the decision

The Council could choose to monitor its budgetary performance against an alternative timeframe, but it is considered that the reporting schedule provides the appropriate balance to allow strategic oversight of the budget by Members and to manage the Council's exposure to financial risk. More frequent monitoring is undertaken by officers and considered by individual service directors and the Council's Corporate Leadership Team (CLT) including approval of management action.

To the extent that there are options for managing the issues identified these are highlighted in the report in order to ensure that Members have a full picture of the issues and proposed solutions as part of their decision making.

Alternative options

The regular reporting of Revenue and Capital Budget Monitoring information through the year and the preparation of the provisional outturn position after the year end provides detailed financial information to Members, senior officers and other interested parties on the financial performance of the Council. It sets out the key variances being reported by budget holders and the management action being implemented to address the identified issues.

Further information across the Council's key financial activities is also included to ensure that CLT and Members have a full picture to inform their consideration of any financial decisions set out in this report and also their

broader understanding of the Council's financial context when considering reports at the various Council Committees.

Set alongside relevant performance information it also informs decision making to ensure that Members' priorities are delivered within the agreed budget provision.

It is important that issues are addressed to remain within the approved budget provision or where they cannot be contained by individual service management action, alternative proposals are developed and solutions proposed which address the financial impact; CLT and Members have a key role in approving such actions as they represent changes to the budget originally set and approved by them.

6.4 Service action plan: response to OSC recommendations from the Parking scrutiny challenge session

The Pre-Decision Question and officer response was noted.

DECISION

1. To note the report of the Parking scrutiny challenge on "the extent to which the council's parking permit policy influences people's behaviour" and agree the service action plan in response to the report recommendations.

Action by:

CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

(Director of Public Realm (D. Jones)

(Head of Parking and Mobility Services (M. Darby)

Reasons for the decision

The Council's constitution requires the Executive to respond to the recommendations from the OSC.

The attached report is the Executive's response to the scrutiny recommendations arising from the Parking scrutiny challenge session's "the extent to which the councils parking permit policy influences people's behaviour".

Tower Hamlets has a growing population which is projected to reach approximately 360,000 by 2027 and the use of vehicles continues to be the key mode of people moving around the borough. It helps people to get to work, stay in touch with friends and family, contribute to society and enables access to vital services like healthcare.

The impact of Covid-19 could lead to reduced demand if more people continue to work from home, but equally there are significant new developments and infrastructure projects planned in the borough over the next decade which is likely to significantly impact parking.

The impact of specific influences such as ULEZ expansion, car free developments, Permit Transfer Scheme, hotspot areas and the switch to electric vehicles as we try to tackle the climate emergency.

Parking is an integral element of not only the transport strategy but also many of the other council's priorities and aspirations.

Alternative options

To take no action. This is not recommended as the scrutiny challenge session provides an evidence base to demonstrate that the council has drawn on and has applied best practice to the activities that have been undertaken to improve the service and residents' experience.

6.5 London Borough of Tower Hamlets Markets Improvement Plan 2022 - 2027

DECISION

1. To adopt the London Borough of Tower Hamlets Markets Improvement Plan 2022-2027.
2. To note the individual action plans for each of our 10 street markets.
3. To note the positive equalities impact as set out in Paragraph 4 of the report.

Action by:

CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)

(Regeneration Project Manager (A. Richards))

(Market Services Manager (D. Pratchell))

Reasons for the decision

Approving the London Borough of Tower Hamlets Markets Improvement Plan 2022-2027 will enable the implementation of individual action plans to improve the performance of our 10 street markets benefitting market traders, residents and businesses.

Market Services is a traded service and revenue from the Markets funds the service operation, providing Officers to manage and administer the markets along with cleansing and waste activities. The impact of COVID-19 and the reduction in trader number at some locations has meant Market Services is currently operating at a projected deficit around £300k in the 2021/22 financial year. Whilst Fees and Charges are reviewed each year to aim for a balanced account, activities in the Action Plan are designed to increase the number of traders and therefore increase revenue, either by direct recruitment or by making the markets an improved place to trade.

Approving the London Borough of Tower Hamlets Markets Improvement Plan 2022-2027 will improve the performance of our 10 street markets and increase the occupancy levels which will contribute to increasing the income and reducing the operating deficit. Other measures included within the Plan

will improve the day-to-day operations of the market and reduce the operating costs, which will also contribute towards reducing Market Services operating deficit.

Alternative options

To do nothing. This is not recommended because the proposed Plan will improve the performance and competitiveness of our 10 street markets.

6.6 Annual Schools Report 2020 -2021**DECISION**

1. To continue to develop school capacity in supporting children and young people with SEND
2. To develop consistently high-quality employment, education and training pathways for young people of all abilities and interests and,
3. To work with any school that has significantly underachieved to improve standards through effective leadership, data analysis and improved teaching and learning strategies.

Action by:**CORPORATE DIRECTOR, CHILDREN AND CULTURE (J. THOMAS)**

(Executive Director, Tower Hamlets Education Partnership (T. Smith)

(Director of Education (S. Nyakatawa)

Reasons for the decision

Report requested by Cabinet

Alternative options

Not applicable – the report is on education assessment outcomes for each key stage.

6.7 Therapy Provision for Children Under 5 with Special Education Needs and Disabilities Proposal

The Pre-Decision Scrutiny Question and officer response were noted.

DECISION

1. To approve the commissioning of Bart's Health via a direct award for a two year contract to deliver the following therapies provision: (a) Speech and Language Treatment (SLT) for Children in Tower Hamlets age 3-5 and (b) SLT and Occupational Therapy (OT) Treatment for Children age 0-5 with social communication difficulties (value of the contract: £343,174 per annum, total cost over two years: £686,348)

Action by:**CORPORATE DIRECTOR, CHILDREN AND CULTURE (J. THOMAS)**

(Senior Commissioning Manager (J. Courtney)

Reasons for the decision

The proposal is recommended for the following reasons:

- a) Gaps in Children's Therapy provision raised by the 2021 Special Educational Needs and Disabilities (SEND) Inspection completed by Ofsted and CQC
- b) Families are finding it difficult to access therapy care for speech and language therapy and social communication difficulties in the early years cohort.
- c) Early intervention can reduce the escalation of care needs and help families manage better
- d) Parent support groups can create a better sense of community and enable parents to provide mutually beneficial support
- e) The proposed service supports the delivery of the priorities in the SEND Strategy 2018-2023 and LBTH's Strategic Priorities, and supports the development of the Integrated Therapies model which is a priority of Tower Hamlets Together.

Alternative options

Do Nothing- risk of failure to deliver against the rationale set out in section 1 of the report.

Consider other commissioning option- risk of: slippage against Written Statement of Action timeframes; failure to address ongoing need in the community; and potential issues with alignment with integrated therapies model.

6.8 Preston's Road Roundabout – Two Towers East

The Exempt Appendix was noted.

DECISION

1. To authorise the Corporate Director Place to enter into an appropriate land related agreement to allow Ocean Outdoor UK Ltd to continue to license a site at Preston's Road Roundabout subject to the agreement of appropriate legal terms and conditions.
2. To authorise the Corporate Director Place to authorise the execution of any and all agreements, licences and if necessary, registrations necessary to give use of the land known as Preston's Road roundabout,
3. The above recommendations are subject to the Director of Legal being satisfied that the best consideration requirements of Section 123 of the Local Government Act 1972 are being met if applicable to the terms of the Contact.

DECISION**CORPORATE DIRECTOR, PLACE (A. SUTCLIFFE)**

(Head of Highways and Transportation (N. Davis))

(Head of Service Development and Programmes (S. Alom)
(Group Manager Highways (P. Whitfield)
(Team Leader Highways (S. Warway)

Reasons for the decision

The option to approach the property market for the Prestons Road site has been considered, but in view of the time that it would take to secure interest, potential income would be lost in the meantime until a contract could be awarded. Based on an appraisal of the current market, which is currently depressed due to the impacts of Covid, a negotiated agreement to continue the license with Ocean Outdoor UK (the current Licensee) on agreed terms and conditions was the found to be the best all round option going forward, at this time.

Alternative options

The option to approach the property market for the Prestons Road site has been considered, but in view of the time that it would take to secure interest, potential income would be lost in the meantime until a contract could be awarded. Based on an appraisal of the current market, which is currently depressed due to the impacts of Covid, a negotiated agreement to continue the license with Ocean Outdoor UK (the current Licensee) on agreed terms and conditions was the found to be the best all round option going forward, at this time.

6.9 Report on the outcome of representations received in response to the statutory (public) notice to amalgamate Marion Richardson and Old Church Nursery Schools

DECISION

1. To note the report and its supporting documents, particularly the statutory notice (Appendix 1 to the report) and the Equality Assessment (Appendix 2 to the report), along with comments made by respondents to the Statutory Notice.
2. To agree to the amalgamation (merger) of Marion Richardson Primary and Old Church Nursery schools to form an all-through 3 to 11 years' primary school, taking effect from 1st September 2022.

Action by:

CORPORATE DIRECTOR, CHILDREN AND CULTURE (J. THOMAS)
(Service Head for Pupil Access and School Sufficiency (T. Bryan)

Reasons for the decision

The recommendation is made in order to determine the council's decision following the responses received to the statutory notice.

More information is available in the report.

Alternative options

Cabinet could decide not to agree to the recommendation for the schools amalgamation. In which case the schools would continue as separate institutions and seek to find alternative ways to ensure their individual sustainability, as well as gain most benefit from their existing partnership.

Cabinet could decide to delay its decision on the schools amalgamation. However, this could mean the amalgamation taking place later than the proposed date of 1st September 2022, by which time the position for Old Church Nursery will be less advantageous and the uncertainty over its future unsettling for children, staff and parents.

6.10 Contracts Forward Plan 2021/22 – Quarter Four**DECISION**

1. To note the contract summary at Appendix 1 to the report.
2. To agree that all contracts set out in Appendix 1 to the report can proceed to contract award after tender.
3. Due to inflationary pressures impacting contract sums and staffing cost pressures, authorise the relevant Corporate Director following consultation with the Corporate Director, Resources to agree a change to the Value Total shown in a particular contract in Appendix 1 to the report by not more than either £100,000 or 10% of the original Value Total whichever is the greater. Any change approved will only be as a result of evidenced inflationary pressures.
4. To authorise the Director of Legal to execute all necessary contract documents in respect of the awards of contracts referred to at recommendation 2 above.
5. To note the procurement forward plan 2022-27 set out in Appendix 2.

Action by:

INTERIM CORPORATE DIRECTOR, RESOURCES (K. BARTLE)

(Interim Head of Procurement (P. Maskell))

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 £1m, and any contract for capital works with an estimated value exceeding £5m shall be approved by the Cabinet in accordance with the Procurement Procedures" as amended by the General Purposes Committee held on 05 October 2021. This report fulfils these requirements for contracts to be let during and after quarter three of the current 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.

7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT**7.1 Record of Corporate Director's Actions**

The reasons for urgency were agreed.

DECISION

1. Note the Record of Corporate Directors' Actions set out in Appendix 1 to the report.

Action by:

INTERIM CORPORATE DIRECTOR, RESOURCES (K. BARTLE)

Reasons for the decision

The Council's constitution requires that Corporate Director's Actions in respect of contracts over £100,000 must be reported to Cabinet for noting.

The regular reporting of Corporate Director's Actions should assist in ensuring that Members are able to scrutinise officer decisions.

Alternative options

The Council is bound by its constitution to report to Cabinet financial decisions taken under Corporate Director's Actions.

If the Council were to deviate from those requirements, there would need to be a good reason for doing so. It is not considered that there is any such reason, having regard to the need to ensure that Members are kept informed about decisions made under the delegated authority threshold and to ensure that these decisions are in accordance with Financial Regulations.

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 6.38 p.m.

Mayor John Biggs