

Cabinet



Wednesday, 25 October 2023 at 5.30 p.m.

Council Chamber - Town Hall, Whitechapel

Agenda

Mayor Lutfur Rahman

Cabinet Members

Councillor Maium Talukdar	(Deputy Mayor and Cabinet Member for Education, Youth and Lifelong Learning (Statutory Deputy Mayor))
Councillor Kabir Ahmed	(Cabinet Member for Regeneration, Inclusive Development and Housebuilding)
Councillor Saied Ahmed	(Cabinet Member for Resources and the Cost of Living)
Councillor Suluk Ahmed	(Cabinet Member for Equalities and Social Inclusion)
Councillor Gulam Kibria Choudhury	(Cabinet Member for Health, Wellbeing and Social Care)
Councillor Abu Chowdhury	(Cabinet Member for Safer Communities)
Councillor Iqbal Hossain	(Cabinet Member for Culture and Recreation)
Councillor Kabir Hussain	(Cabinet Member for Environment and the Climate Emergency)
Councillor Abdul Wahid	(Cabinet Member for Jobs, Skills and Growth)

[The quorum for Cabinet is 3 Members]

Further Information

Reports for consideration, meeting contact details, public participation and more information on Cabinet decision-making is available on the following pages.



Public Information

Viewing or Participating in Cabinet Meetings

The public are welcome to attend meetings of the Cabinet. Procedures relating to Public Engagement are set out in the 'Guide to Cabinet' attached to this agenda. Except where any exempt/restricted documents are being discussed, the public are welcome to view this meeting through the Council's webcast system.

Physical Attendance at the Town Hall is also welcome, however, seating is limited and offered on a first come, first served basis. **Please note** that you may be filmed in the background as part of the Council's filming of the meeting.

Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.

<http://towerhamlets.public-i.tv/core/portal/home>

Contact for further enquiries:

Joel West, Democratic Services,
Town Hall, 160 Whitechapel Road, London, E1 1BJ
Tel: 020 7364 4207
E-mail: joel.west@towerhamlets.gov.uk
Web: <http://www.towerhamlets.gov.uk>

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A Guide to CABINET

Decision Making at Tower Hamlets

As Tower Hamlets operates the Directly Elected Mayor system, **Mayor Lutfur Rahman** holds Executive powers and takes decisions at Cabinet or through Individual Mayoral Decisions. The Mayor has appointed nine Councillors to advise and support him and they, with him, form the Cabinet. Their details are set out on the front of the agenda.

Which decisions are taken by Cabinet?

Executive decisions are all decisions that aren't specifically reserved for other bodies (such as Development or Licensing Committees). In particular, Executive Key Decisions are taken by the Mayor either at Cabinet or as Individual Mayoral Decisions.

The constitution describes Key Decisions as an executive decision which is likely

- a) to result in the local authority incurring expenditure which is, or the making of savings which are, above £1million; or
- b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough.

Upcoming Key Decisions are published on the website on the 'Forthcoming Decisions' page through www.towerhamlets.gov.uk/committee

Published Decisions and Call-Ins

Once the meeting decisions have been published, any 5 Councillors may submit a Call-In to the Service Head, Democratic Services requesting that a decision be reviewed. This halts the decision until it has been reconsidered.

- The decisions will be published on: **Friday, 27 October 2023**
- The deadline for call-ins is: **Friday, 3 November 2023**

Any Call-Ins will be considered at the next meeting of the Overview and Scrutiny Committee. The Committee can reject the call-in or they can agree it and refer the decision back to the Mayor, with their recommendations, for his final consideration.

Public Engagement at Cabinet

The main focus of Cabinet is as a decision-making body. However there is an opportunity for the public to contribute through making submissions that specifically relate to the reports set out on the agenda.

Members of the public may make written submissions in any form (for example; Petitions, letters, written questions) to the Clerk to Cabinet (details on the previous page) by 5 pm the day before the meeting.

Cabinet

Wednesday, 25 October 2023

5.30 p.m.

Pages

PUBLIC QUESTION AND ANSWER SESSION

There will be an opportunity (up to 15 minutes) for members of the public to put questions to the Mayor and Cabinet Members before the Cabinet commences its consideration of the substantive business set out in the agenda.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

11 - 12

Members are reminded to consider the categories of interest, identified in the Code of Conduct for Members to determine; whether they have an interest in any agenda item and any action they should take. For further details, see the attached note from the Monitoring Officer.

Members are also reminded to declare the nature of the interest at the earliest opportunity and the agenda item it relates to. Please note that ultimately it is the Members' responsibility to identify any interests and also update their register of interests form as required by the Code.

If in doubt as to the nature of an interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services.

3. UNRESTRICTED MINUTES

13 - 26

The unrestricted minutes of the Cabinet meeting held on 20 September 2023 are presented for approval.

4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR

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.

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

(Under provisions of Section 30, Rule 59 of the Constitution).

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1	MTFS and Budget Scene Setting 2024-27	27 - 38
	Report Summary: This report sets out the issues and actions which inform the development of the Council's Medium Term Financial Strategy (MTFS) 2024-27 and budget for 2024-25 including timescales and next steps. Wards: All Wards Lead Member: Cabinet Member for Resources and the Cost of Living Corporate Priority:	
6.2	Continuation of Business Rates Pooling	39 - 42
	Report Summary: This report requests approval to continue membership in the 8 Authority Pool for Business Rates for 2024-25. Wards: All Wards Lead Member: Cabinet Member for Resources and the Cost of Living Corporate Priority: Invest in public services	
6.3	Record of Corporate Directors Action 23-24 Q1	43 - 48
	Report Summary: This report sets out, for noting by Cabinet, the Corporate Director's Actions taken under Rule 10 (section 50 Record of Corporate Director's Actions (RCDA) - Waiving of Procurement Procedures) in Part C – Codes and Protocols of the Council's constitution. The section states that Corporate Director's Actions in respect of contracts over £100,000 must be reported to Cabinet for noting and this report fulfils this requirement. Wards: All Wards Lead Member: Cabinet Member for Resources and the Cost of Living Corporate Priority:	



6 .4	Contracts Forward Plan (Quarter 2 2023/2024)	49 - 80
<p>Report Summary: This item presents proposed procurement activity, that is scheduled to be undertaken during quarter two of the 2023/2024 financial year, where the total value exceeds £1m and therefore requires prior approval from Cabinet.</p> <p>Wards: All Wards Lead Member: Cabinet Member for Resources and the Cost of Living Corporate Priority:</p>		

6 .5	Action Plan Response to Health and Adults Scrutiny Sub-Committee Review and Recommendations Report on 'Workforce Shortages Across The Health and Care Sector'	81 - 110
<p>Report Summary: This report presents the action plan response from the Northeast London Integrated Care Board (NEL ICB) and the Council to the Health and Adults Scrutiny Sub-Committee (HASSC) review report regarding 'Workforce Shortages Across The Health and Care Sector' in Northeast London.</p> <p>Wards: Lead Member: Corporate Priority: All Priorities</p>		

6 .6	Tower Hamlets - Safeguarding Adults Board Annual Report 2022-23	111 - 140
<p>Report Summary: The annual report outlines the achievements of the Safeguarding Adults Board, its subgroups and partner agencies over the period 2022 to 2023.</p> <p>Wards: All Wards Lead Member: Cabinet Member for Health, Wellbeing and Social Care Corporate Priority:</p>		

6 .7	Additional Licensing Houses in Multiple Occupation Designation	141 - 156
<p>Report Summary: To consider renewing the additional licensing – houses in multiple occupation designation. Appendices for this item can be found in an agenda supplement pack.</p> <p>Wards: All Wards Lead Member: Cabinet Member for Environment and the Climate Emergency Corporate Priority: A council that works for you and listens to you</p>		

Tower Hamlets Council
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

6 .8 Tower Hamlets New Local Plan: Regulation 18 Consultation Draft 157 - 172

Report Summary:

Cabinet will be asked to approve the Regulation 18 Local Plan – Consultation Draft for statutory consultation. The Plan has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulation 2012, as amended. The draft Plan contains a proposed vision and objectives for Tower Hamlets over the next 15 years to 2038, a spatial strategy, new planning policies and site allocations.

Appendices for this item can be found in an agenda supplement pack.

Wards: All Wards
Lead Member: Cabinet Member for Regeneration, Inclusive Development and Housebuilding
Corporate Priority: All Priorities

6 .9 Statutory Transfer Scheme to support the proposed transfer of town planning powers from the London Legacy Development Corporation to Tower Hamlets 173 - 240

Report Summary:

The Mayor of London has confirmed their intention that the London Legacy Development Corporation's Town Planning powers will be transferred back to each of the four London boroughs that have land within the Corporation's planning boundary.

To enable the transfer of planning powers back to Tower Hamlets secondary legislation will be made by Parliament and the Mayor of London will prepare a Statutory Transfer Scheme (STS) under section 216 of the Localism Act 2011.

The STS lists the rights and liabilities to be transferred, including records of planning decisions, un-determined planning applications, planning enforcement cases, appeals, planning obligation agreements and receipts, Community Infrastructure Levy receipts. Transfer of staff has been scoped out of the STS.

Confirmation that Tower Hamlets will consent to the STS with the Mayor of London is required.

Agreement for Tower Hamlets Council to consent to the STS a Key Decision because communities living or working in an area comprising two or more wards: Bow East and Bromley North Wards.

Wards: Bow East; Bromley North
Lead Member: Cabinet Member for Regeneration, Inclusive Development and Housebuilding
Corporate Priority: A council that works for you and listens to you



Report Summary:

This report recommends amendments to the Tower Hamlets Homes Articles of Association, particularly in relation to the Board of Directors, due to the transfer of services being brought back in-house on 1st November 2023.

Wards: All Wards

Lead Member: Cabinet Member for Regeneration, Inclusive Development and Housebuilding

Corporate Priority: Homes for the future

7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

8. EXCLUSION OF THE PRESS AND PUBLIC

Should the Mayor in Cabinet consider it necessary, it is recommended that the following motion be adopted to allow consideration of any exempt/restricted documents.

“That, under 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 contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government, Act 1972”.

EXEMPT/CONFIDENTIAL SECTION (PINK)

The Exempt / Confidential (Pink) Committee papers in the Agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

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

Chair of Overview and Scrutiny Committee (OSC) to report on any issues raised by the OSC in relation to exempt/confidential business to be considered.



10 .2 Any Exempt / Confidential Decisions "Called in" by the Overview & Scrutiny Committee

(Under provisions of Section 30, Rule 59 of the Constitution).

11. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION

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

Next Meeting of Cabinet:

Wednesday, 29 November 2023 at 5.30 p.m. in Council Chamber - Town Hall, Whitechapel



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Agenda Item 2

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Janet Fasan, Director of Legal and Interim Monitoring Officer, Tel: 020 7364 4348.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE CABINET

HELD AT 5.42 P.M. ON WEDNESDAY, 20 SEPTEMBER 2023

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Mayor Lutfur Rahman	
Councillor Maium Talukdar	(Deputy Mayor and Cabinet Member for Education, Youth and Lifelong Learning (Statutory Deputy Mayor))
Councillor Kabir Ahmed	(Cabinet Member for Regeneration, Inclusive Development and Housebuilding)
Councillor Saied Ahmed	(Cabinet Member for Resources and the Cost of Living)
Councillor Suluk Ahmed	(Cabinet Member for Equalities and Social Inclusion)
Councillor Gulam Kibria Choudhury	(Cabinet Member for Health, Wellbeing and Social Care)
Councillor Abu Chowdhury	(Cabinet Member for Safer Communities)
Councillor Iqbal Hossain	(Cabinet Member for Culture and Recreation)
Councillor Kabir Hussain	(Cabinet Member for Environment and the Climate Emergency)
Councillor Abdul Wahid	(Cabinet Member for Jobs, Skills and Growth)

Other Councillors Present in Person:

Councillor Shafi Ahmed	
Councillor Nathalie Bienfait	
Councillor Bodrul Choudhury	Scrutiny Lead for Children & Education
Councillor Jahed Choudhury	(Speaker of the Council)
Councillor Peter Golds	
Councillor Kamrul Hussain	
Councillor Sirajul Islam	
Councillor Abdul Mannan	Scrutiny Lead for Housing and Regeneration
Councillor Amin Rahman	
Councillor Bellal Uddin	

Officers Present in Person:

John Ainsworth	(Senior Performance Improvement Analyst)
Ashraf Ali	(Scrutiny Policy Officer)
Yasmin Ali	(Development Project Manager, Place)
Rupert Brandon	Interim Head of Housing Supply
Raj Chand	(Director, Customer Services)
Janet Fasan	(Director of Legal & Monitoring Officer)
Stephen Halsey	(Chief Executive)
Sam Harney	(Mayor's Political Advisor)
Fiona Heyland	(Head of Waste Strategy Policy and Procurement,

Amy Jackson	Public Realm)
Ellie Kershaw	(Head of Mayor's Office)
	(Acting Director, Growth and Economic Development)
Julie Lorraine	(Corporate Director Resources)
Raj Mistry	Corporate Director for Communities
Denise Radley	(Corporate Director, Health and Social Care)
Kamran Rashid	Interim Project Manager
Jed Scoles	(Political Advisory to the Minority Group)
Karen Swift	(Divisional Director, Housing and Regeneration)
James Thomas	(Corporate Director, Children's Services)
David Tolley	(Head of Environmental Health and Trading Standards)
Richard Williams	Business Manager Operational PR
Matthew Mannion	(Head of Democratic Services)
Jack Painter	Democratic Services Officer

Officers In Attendance Virtually:

John Harrison	Interim Director of Finance, Procurement and Audit
Ian Austin	(Principal Lawyer for Planning)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no Declarations of Disclosable Pecuniary Interests.

3. UNRESTRICTED MINUTES**RESOLVED:**

1. That the unrestricted minutes of the Cabinet meeting held on Wednesday 26 July 2023 be approved and signed by the Mayor as a correct record of proceedings.

4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR

The chief executive informed the Cabinet that the Council was currently in the middle of a strike by waste services operatives and provided assurance that the council was doing all it could to resolve the matter as soon as practicable. He advised that once the matter was resolved he would report back to the Cabinet.

5. OVERVIEW & SCRUTINY COMMITTEE

5.1 Chair's Advice of Key Issues or Questions

Councillor Musthak Ahmed, Chair Overview and Scrutiny Committee addressed the meeting on behalf of the Committee. He provided the Mayor and Cabinet with an overview of the Committee's recent meeting.

The Committee had considered the Liveable Streets Scheme reports and residents had attended the meeting to give their views. The Committee had discussed:

- The rationale for the consultation options and why residents were not consulted on option 3.
- Air quality data
- The extent of the consultation and inclusion of disabled and BAME residents; other stakeholders such as Fire Brigade and London Ambulance Service.
- There is a need for compromise to ensure we do not further divide our community and bring about the improvements that we all seek.
- Financial implications for the council and if we are required to reimburse TfL.

The Committee had considered the Customer Experience Strategy including:

- Learning from other areas such as Tower Hamlets Homes' on-line customer portal.
- How to support residents that are digitally excluded.
- How to best measure performance of the service.
- Investment in digital technology to meet future capacity.
- Parking permits.
- Wellbeing support to staff, burnout and mental health.

The Committee had also held in depth discussions on the licensing policy report and reviewed its work plan for 2023/24.

The Committee had submitted pre-decision scrutiny questions on two of the items on the Cabinet agenda:

- 6.1 Q1 Performance Report: Year 2 of the Annual Delivery Plan of the Strategy Plan 2022-24.
- 6.4/6.5 – Liveable Streets Bethnal Green and Brick Lane.

These were considered in relation to the relevant items.

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

Nil items.

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 Q1 Performance Report: Year 2 of the Annual Delivery Plan of the Strategic Plan 2022-2024

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

Councillor Saied Ahmed (Cabinet Member for Resources and the Cost of Living) introduced the report which provided the Mayor in Cabinet with a Quarter 1 monitoring update of Year 2 Annual Delivery Plan 2023-24 performance measures.

John Ainsworth, Senior Performance Improvement Analyst, provided further detail on the performance measures and outcome of the quarter. The Chief Executive explained how the budget setting process would align resources to service improvement and a report on this would be received by Cabinet in due course.

Cabinet members welcomed the report and provided explanation for the causes of underperforming measures in their service areas and the efforts and planned measures, including proposed investment, to improve performance.

The Mayor welcomed the report which he felt provided a robust health check of the Council. He stressed expectation that all red rated measures would turn green before year-end.

RESOLVED

1. To note the strategic delivery and performance report for Q1 covering the period of 1st April 2023 to 30th June 2023.
2. To note the of 51 performance measures in Q1 tracking the delivery of Year 2 of the Strategic Plan 2022-2024 (Appendix A to the report).

6.2 Budget Monitoring 23/24 Q1

The reasons for urgency were agreed.

Councillor Saied Ahmed (Cabinet Member for Resources and the Cost of Living) introduced the report which presented the current forecast year end outturn compared to the budget as at Quarter 1 for the General Fund, Dedicated Schools Grant (DSG), Housing Revenue Account (HRA), progress against savings targets, the council's capital programme and provided projections on General Fund earmarked reserves. Councillor Ahmed provided additional details on the causes of overspends and underspends as reflected in the report, for each of the budgets. He explained that unachievable savings would need to be addressed in future updates. Finally, he explained the causes for capital programme variance and how slippages would be carried

forward into future years, both for the general fund, and HRA capital programmes

Julie Lorraine, Corporate Director Resources and John Harkin, Interim Director Finance Procurement and Audit, explained the current context of local authority financial challenges. Julie explained that the Council compared favourably to other local councils in respect of managing its budget saving slippages and was already taking measures to address them. Julie also warned that some of the drivers of overspend were likely to continue for the next few years. John explained that the Council would be thorough in ensuring its financial performance did not deteriorate in the way some authorities elsewhere in the country had recently experienced.

The Chief Executive echoed the comments of Julie and John. He stressed the council's financial position could not be compared to other local authorities that were in dire financial circumstances. He stressed that the council was resilient, had robust systems in place, had sufficient reserves and had a high-quality team to deliver balanced budget, savings and growth.

Julie also provided an update to the Mayor and Cabinet on the current position regarding the closure of outstanding accounts. Julie provided assurance that the closure outstanding accounts would be progressed, but asked members to note that there remained risks which would be closely monitored.

RESOLVED

1. To note the council's position and consequent forecast outturn as at 30th June 2023, against General Fund Budget (based on the previous structures), Dedicated Schools Budget, Housing Revenue Account and earmarked reserves for 2023-24.
2. To note the actions taken to date to address the demand pressures as set out in Appendix A, Section 3.2 to the report.
3. To note the progress made against the 2023-24 savings targets, based on forecasts as of 30th June 2023.
4. To note the council's forecast outturn position against General Fund and Housing Revenue Account capital programme approved budgets for 2023-24, based on forecasts as of 30th June 2023.
5. To note that there are no equalities implications directly resulting from this report, as set out in Section 4 of the report.
6. To approve capital investment of £80k in the London Community Credit Union (LCCU) funded from the COVID reserve.

Action by:

CORPORATE DIRECTOR, RESOURCES (JULIE LORRAINE)

(Interim Director of Finance, Procurement and Audit (John Harrison))

(Head of Strategic Finance (Chief Accountant) (Ahsan Khan)

6.3 Housing Development Capital Programme Additions

Councillor Kabir Ahmed (Cabinet Member for Regeneration, Inclusive Development and Housebuilding) introduced the report which set out proposals for additional funding for new schemes to the Council's Housing Development Capital Programme, part of the wider HRA Capital Programme. Councillor Ahmed explained how the proposals would help to deliver good quality council-owned homes in the borough which would help to address the borough's housing crisis.

Karen Swift, Director of Housing, provided further detail. Karen explained that, in addition to addition of schemes to the programme, the report explained how other sites were under consideration and asked for delegation for resources to move forward to those sites.

Cabinet members welcomed the report and thanked all officers and councillors involved in the delivery of the schemes.

The Chief Executive echoed the sentiments of the Cabinet. He noted the dedication shown by officers in delivering this key priority of the administration's manifesto.

The Mayor welcomed the report and stressed how important his administration felt about overcrowding in the borough. He expressed hope the proposals in the report, particularly those to deliver more council-owned homes, would help address the problem.

RESOLVED

1. To approve the increased budget of £73.223m to the Housing Development Capital programme.
2. To approve the schemes listed as additions to the programme as set out in paragraph 3 table 1 of the report.
3. To approve the changes listed within the existing programme as set out in paragraph 3 table 3 of the report.
4. To approve that subject to prior consultation with the Mayor by the Corporate Director of Housing and Regeneration and the Corporate Director of Resources schemes can be amended and substituted and that additional schemes can be added provided that the capital sum set out in recommendation 1 above is not exceeded.
5. To approve that subject to prior consultation with the Mayor by the Corporate Director of Housing and Regeneration and the Corporate Director of Resources that should additional funding be identified this can be added to the programme.

6. To note potential additions to the programme in future at paragraph 3 table 2 of the report.
7. To approve the increase in budget for additional staff resources as set out in paragraph 3.7 of the report.
8. To note the existing programme as set out in Appendix 1 to the report.
9. To note the comparative performance of the London Borough of Tower Hamlets compared to neighbouring boroughs in the delivery of homes, as set out in Appendix 2 to the report.
10. To note the Equalities Impact Assessment / specific equalities considerations as set out in paragraph 4 of the report.

6.4 Liveable Streets Bethnal Green consultation outcome and measures

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

The Mayor formally introduced items 6.4 and 6.5 which he indicated he would consider together. Councillor Kabir Hussain (Cabinet Member for Environment and the Climate Emergency) introduced the reports which sought approval for one of three main options for the retention or removal of a number of existing traffic schemes in the Old Bethnal Green, Columbia Road and Arnold Circus (Item 6.4) and Brick Lane (Item 6.5) areas. Raj Mistry, Corporate Director Communities, provided further detail.

At the invitation of the Mayor, the following persons addressed the meeting to ask questions regarding items 6.4 and 6.5.

- Councillor Peter Golds expressed concern at the response to the consultation exercises on LTNs which he felt did not appear to represent the widest possible demography of the Borough.
- Councillor Sirajul Islam asked if the Mayor was disappointed that there were instances throughout the reports where the effects of LTN schemes could not be accurately quantified and asked if it was right that without this information he and his cabinet could not make an informed choice.
- Councillor Nathalie Bienfait asked whether, in view of the resident support for the schemes in and the evidence for the need to reduce the impact of cars on roads, what steps the Mayor would take to reduce the numbers and impact of cars on our roads. And, if he decided to choose Option 1 or Option 3 in the report, what steps he would take to mitigate the potential impact of removing the low traffic schemes on areas which had become used to a low traffic environment.
- Sam Wood asked how the views of Bart's Health Trust or the Royal London Hospital and Mile End Hospital were being taken into consideration. The position of the Trust was documented in a letter to

the Mayor in August 2022. Mr Wood advised the Trust had made no update or change to the response since then.

- Elizabeth Perrett asked how the Mayor would ensure elderly, disabled and vulnerable residents would not continue to be adversely affected by ambulance delays as was her mother, who had lived on Old Bethnal Green Rd and was repeatedly subjected to major delays during many serious health issues.
- Nikki Collins asked if there were any reasons why the Mayor would not now deliver on his number one promise.

In response to the public and Councillor contributions, the Mayor indicated that the comments and questions from residents clearly showed the passion regarding the LTN issue. He felt the contributions showed that some residents had been failed by the system and had suffered as a result of LTN measures and he was aware of many similar instances of residents being negatively affected. He welcomed the contributions which he felt would assist him in his determination on this issue.

Cabinet members welcomed the report and indicated support for removal of the traffic measures. They noted with dismay the adverse impacts the schemes had had on many residents and expressed confidence that an alternative solution could be delivered to improve green infrastructure which would not divide and adversely impact residents, as had the current Liveable Streets Schemes.

The Mayor welcomed the report which he felt was well written and provided clear recommendations. He made a statement that included the following points:

- Low Traffic Neighbourhoods (LTNs) had been one of London's most divisive issues in recent years. The Council had found itself caught up in regional, national and even international politics which had made the business of running the Council more challenging. LTNs had divided political parties, but most detrimentally divided residents. Neighbouring London boroughs such as Brent and Ealing had removed LTNs because of their divisiveness. In Tower Hamlets the divisions had been considerable.
- Tower Hamlets was an inner-city local authority with narrow streets and tall buildings. Residents had less space to move around than other London neighbours. A one-size-fits-all approach to improve air quality, with limited consultation introduced in the middle of the COVID lockdown was always likely to cause disunity amongst residents. The recent consultation showed that whilst LTNs improved air quality in the immediate vicinity, they push traffic down surrounding arterial roads typically occupied by less affluent residents. LBTH had the third lowest car ownership rate in London, but a significant portion of its local economy was dependent on car usage, particularly among lower paid workers such as taxi drivers, couriers and businesses such as market

traders. The emergency services had divided views on LTNs. The London Ambulance Service, for example, opposed hard physical closures. Council services had struggled to reach all our residents in a timely way because of closures leading to waste cleanliness issues across the borough.

- The recent consultation showed division amongst residents: whilst there was support for retaining the scheme, roughly 42% of residents wanted them removed. The consultation process was challenging, with around 3,000 respondents in total. Many of them did not live in Tower Hamlets. For residents-only results, the margin was in the low-hundreds. Opposition to LTNs was a key issue in the 2022 Council and Mayoral elections, in which the Mayor was elected with over 40,000 votes and the Aspire party won an overall majority of Council seats.
- Having carefully considered the issues the mayor had considered that division was not the answer and that the Council could find better ways to reduce air pollution, whilst uniting residents and businesses rather than dividing them. The Council would start again by removing the bulk of existing LTNs in the borough and propose new solutions that spread the costs and benefits of traffic reduction schemes amongst residents.
- The consultation on residents views had aimed to understand the finer details. The consultation had led to the retention of several schemes. The Mayor had previously announced that Wapping Bus Gate would be retained due to resident support. The Council would also retain the road closure on Canrobert St. Walking routes and spaces would be retained as they had proved beneficial to most residents. School streets, which facilitated the timed closure of roads to allow drop off and pick up children, would also be retained. The Council would invest £6m to improve air quality including improving road safety, building more infrastructure to promote walking and cycling and enhancing public spaces including planting more trees. It would work with residents on new schemes which were universally supported. People were more likely to embrace wider public health initiatives if they were part of the solution. The Mayor believed the Council could build the most successful approach to reducing toxic air pollution in the borough, one that did not push costs on to the most disadvantaged residents and listened to them instead.

Accordingly, the Mayor agreed to adopt option 1 from the reports, subject to retention of the closure on Canrobert Street.

The recommendations were amended and then agreed.

RESOLVED

1. To note the results of the engagement to date and two public consultations held in Weavers and Old Bethnal Green Road.

2. To approve Option One (of the three options summarised in section 2 of the report).
 - a. Subject to the retention of the closure of Canrobert Street in Bethnal Green.
3. To note that Appendix F - EqIA to the report identifies a number of positive and negative impacts of the options upon individuals that share particular protected characteristics (summarised in paragraphs 4.1 – 4.5 of the report).
4. To approve any changes to be implemented through experimental traffic orders so that amendments can be made to mitigate any adverse impacts that are identified through monitoring.
5. To approve a 12-month review of traffic flows and air quality to assess the impact of the proposals for the purposes of identifying any negative impacts and developing mitigation measures.
6. To approve the use of existing frameworks or term contracts to award an order up to the value determined for completion of the works.

6.5 Liveable Streets Brick Lane consultation outcome and measures

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

For the record of discussion on this item, see minute for Item 6.4 Liveable Streets Bethnal Green consultation outcome and measures. The two items were considered together.

RESOLVED

1. To note the results of the public consultation and engagement with businesses in the Brick Lane area.
2. To approve Option One (of the two options set out on the report).
3. To note that the Appendix C – Equalities Impact Assessment to the report identifies a number of positive and negative impacts of the options upon individuals that share particular protected characteristics (summarised in paragraphs 4.1 – 4.3 of the report).

6.6 Tower Hamlets Reduction and Recycling Plan 2023 - 2025

Councillor Kabir Hussain (Cabinet Member for Environment and the Climate Emergency) introduced the report which proposed a Reduction and Recycling Plan for 2023 to 2025 as the first phase of plans to deliver a clean and green future for Tower Hamlets. The plan included proposals to optimise recycling collections, deliver over £2million in flats recycling improvements and develop improved communication and community engagement.

Raj Mistry, Corporate Director Communities and Fiona Heyland, Environmental Services Improvement Manager provided further detail.

The Chief Executive asked the Mayor to note that the officer recommendations, which had been omitted from the published report in error, had asked the Mayor to approve the Reduction and Recycling Plan for 2023 to 2025 and had asked the Mayor to request that officers would report back on progress against the plan on a quarterly basis, using the indicators in the plan as the basis for reporting.

Cabinet members welcomed the report.

The Mayor welcomed the report and thanked officers for their commitment to increasing recycling performance in the borough.

RESOLVED

1. To note and agree the Recycling and Reduction Plan 2023-2025 (RRP) set out in Appendix 1 to the report.
2. To note the council has ambition to increase recycling performance further from 2025/26 onwards.
3. To note the equalities considerations as set out in Paragraphs 4.1 to 4.3 of the report.
4. To note that a report will be submitted to Cabinet on a quarterly basis detailing progress that has been made against the targets detailed in the plan.

6.7 Tower Hamlets Customer Experience Strategy

Councillor Kabir Ahmed (Cabinet Member for Regeneration, Inclusive Development and Housebuilding) introduced the report which presented the final version of the Tower Hamlets Customer Experience Strategy 2023 -2026 for approval. Councillor Ahmed explained how the Strategy would address a range of infrastructure concerns first identified by the administration after the May 2022 election and for which investment had been agreed as part of the administration's first budget.

Raj Chand, Director of Customer Services provided further detail. The Mayor welcomed the report. He offered thanks to Raj Chand who would shortly be leaving the Council and wished her well in her new role.

RESOLVED

1. To note the outcome of the public and staff engagement that informs the Tower Hamlets Customer Experience Strategy 2023-26.
2. To agree the Tower Hamlets Customer Experience Strategy 2023-26.

6.8 Review of Statement of Licensing Policy 2023

The Mayor introduced the report which, further to the Council's duty to prepare and publish a Statement of Licensing Policy at least every 5 years, proposed a new Statement of Licensing Policy.

David Tolley, Head of Licensing and Environmental Health provided further detail.

The Mayor welcomed the report.

RESOLVED

1. To recommend to Full Council the adoption of the Statement of Licensing Policy at full Council which will take effect from 1st November 2023.

7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

7.1 Mellish Street - Approval to directly award Contract

The reasons for urgency were agreed.

Councillor Kabir Ahmed (Cabinet Member for Regeneration, Inclusive Development and Housebuilding) introduced the report which sought the formal approval for the Council to enter into a contractual agreement with London MEP to complete the mechanical and engineering works and commissioning at Mellish Street.

Yasmin Ali, Head of Capital Delivery and Property maintenance, explained the reason the Mayor was being asked to act on the matter now and the urgency for the report.

The Mayor welcomed the report.

RESOLVED

1. To authorise the Corporate Director, Housing and Regeneration to waive the requirement to subject this purchase to competition as required by the Council's Constitution
2. To authorise the Corporate Director, Housing and Regeneration to enter into a contractual agreement with London MEP to complete the mechanical and engineering works and commissioning at Mellish Street for the sum of £300,810.95.

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 7.35 p.m.

Chair, Mayor Lutfur Rahman
Cabinet

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<p>Cabinet</p> <p>25 October 2023</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Julie Lorraine, Corporate Director of Resources</p>	<p>Classification: Open (Unrestricted)</p>
<p>MTFS and Budget Scene Setting 2024-27</p>	

Lead Member	Councillor Saied Ahmed, Cabinet Member for Resources and the Cost of Living
Originating Officer(s)	John Harrison, Interim Director of Finance, Procurement and Audit
Wards affected	(All Wards);
Key Decision?	No
Reason for Key Decision	This report has been reviewed as not meeting the Key Decision criteria.
Forward Plan Notice Published	08/09/2023
Exempt information	N/A
Strategic Plan Priority / Outcome	Invest in public services

Recommendations:

The Mayor in Cabinet is recommended to:

1. Note the current projected MTFS budget position in paragraph 3.2.2.
2. Note the actions set out in section 3.4 that are being taken to address the budget gap.

1 REASONS FOR THE DECISIONS

- 1.1 The Council is required to set a balanced budget and Council Tax Levels for the financial year 2024/25 by 11 March 2024 at the latest. The Council undertakes a budget setting process through out the year to ensure a robust and consulted budget is presented to Council for approval before this date.
- 1.2 This report provides an update on the MTFS position since it was approved by Council in March 2023 and gives an overview of the budget setting

process that is being undertaking to present Council with a proposed budget for 2024/25.

2 ALTERNATIVE OPTIONS

- 2.1 Section 30(6) of the Local Government Finance Act 1992 provides that the Council has to set a balanced budget before 11 March each year. Options to set a balanced budget by the statutory deadline will be presented to members as part of the budget setting process.

3 DETAILS OF THE REPORT

3.1 BACKGROUND

- 3.1.1 The Council's MTFS was approved by Council on 1 March 2023 and contained several assumptions. These assumptions continue to be reviewed and an update of the MTFS, considering the latest information, is provided.
- 3.1.2 For 2024/25 the MTFS has a projected budget gap of £15.8m before new savings or growths. Several actions have been undertaken to close the gap and the report sets out these actions and the timetable for setting a balanced budget by the statutory deadline.

3.2 MTFS UPDATE

- 3.2.1 A number of changes to MTFS assumptions have been identified since March and these are shown in the following table, with explanations for these in the next paragraphs. A summary MTFS incorporating these changes is at Appendix A.

- 3.2.2 Table 1 – Summary of Updated MTFS Assumptions

	2024-25 £000	2025-26 £000	2026-27* £000
Budget Gap	46,435	42,648	42,648
Drawdown from Reserves	(15,622)	(4,822)	-
Final Budget Gap (Approved by Full Council on 1 March 2023)	30,813	37,826	42,648
Updated Assumptions			
Business Rates revised assumptions including reset deferred until 2026/27	(20,072)	(14,524)	(4,808)
Council Tax taxbase growth additional income	-	-	(3,761)
Business Rates continuation of 8-authority pool	(2,000)	(2,000)	-
Revenue Support Grant revised forecast	(788)	180	180
Further pay inflation (2% higher in 23/24 & 24/25)	7,800	7,800	7,800

2026/27 pay Inflation (2% assumed)			4,000
2026/27 contractual inflation (2% assumed)	-	-	4,000
Sub Total	(15,060)	(8,544)	7,411
Budget Gap Before New Savings or Growths	15,753	29,282	50,059

* 2026/27 is a new financial year that didn't previously feature in March's MTFS.

3.2.3 Business Rates Assumptions – Since the budget was set, the outturn business rates return for 2022/23 has been completed, which provided further information on the Council's business rates income. Additionally, the Council's consultants (LG Futures) have provided an updated funding model based on higher inflation rates which the Council has used to revise its business rates projections.

3.2.4 Business Rate reset deferred until 2026-27 – Due to the timeframes it is increasingly unlikely that a business rates reset will occur in 2025/26. Therefore, the assumed implementation date is now 2026/27, although the actual financial impact is still uncertain, and an estimated figure has been used based on data from LG Futures and internal judgement.

3.2.5 Continuation of 8-authority pool – Assumption that the Council remains in the business rates pool with 7 other London authorities and that it continues to perform in line with past performance.

3.2.6 Revised Revenue Support Grant (RSG) forecast – The 2023/24 Local Government Finance Settlement was another one year settlement and the RSG forecast has been updated in line with the latest funding model from LG Futures, which includes a higher level of inflationary uplift.

3.2.7 Pay Inflation – Latest pay assumptions are that 2023/24 should increase from 4% to 6% and 2024/25 should increase from 2% to 4%. Future years remain at 2%.

3.2.8 Contractual inflation – 2026/27 didn't feature in March's MTFS and this is a line to recognise 2% contract inflation in that year.

3.2.9 Through the activities outlined in section 3.4 of the report, to date a number of potential savings have been identified. These are subject to the appropriate approval processes as part of the budget setting process before they can be realised. Work on identifying further savings is ongoing.

3.2.10 The MTFS projections do not include any new growths. This is a risk and work is being undertaken to identify essential growths and how these can be mitigated.

3.2.11 The Housing Revenue Account's (HRA) 30 year business plan has recently been reviewed with external assurance provided by Savills. A separate report will be presented on this review.

3.3 BUDGET SETTING TIMETABLE

3.3.1 The high-level budget setting timetable with key meeting dates are shown in the following table.

3.3.2 Table 2 – High-level Budget Setting Timetable

Activity	Dates
MTFS refresh	May
Budget review with services including savings proposals and growth pressures	May – October
MTFS and Budget Scene Setting 2024-27 report to Cabinet	25-Oct-23
Budget Consultation	October – November
Local Government Finance Settlement	December
Fees and Charges report to Cabinet meeting	13-Dec-23
MTFS and Budget report to Cabinet meeting (first version)	03-Jan-24
Overview & Scrutiny - Budget Scrutiny	08-Jan-24
MTFS and Budget report to Cabinet meeting (final version)	31-Jan-24
MTFS and Budget report to Full Council and setting of Council Tax	28-Feb-24

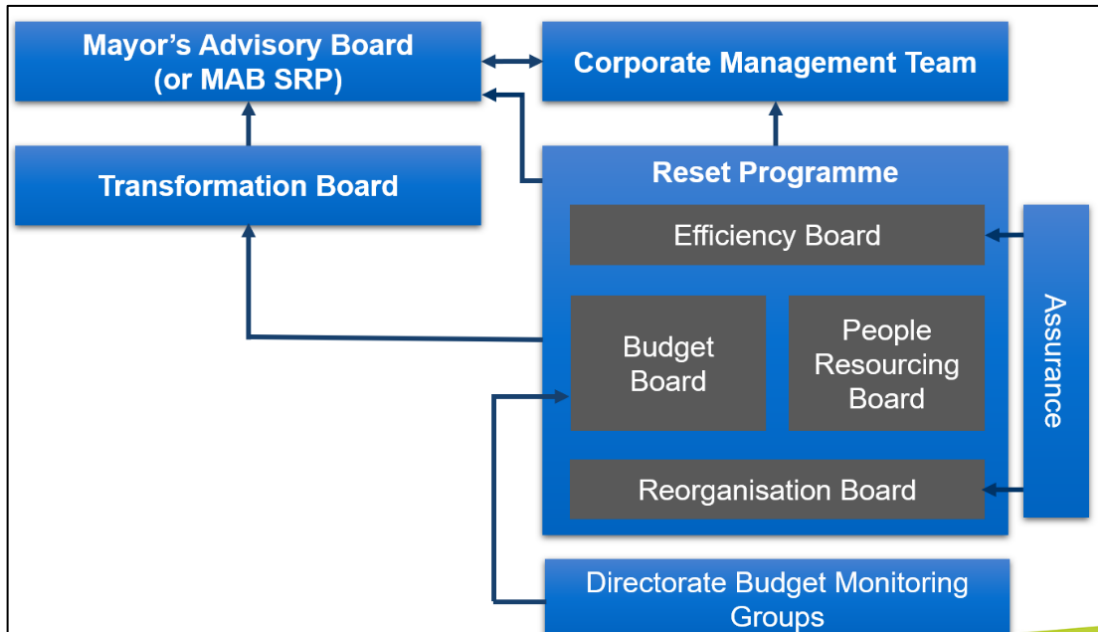
3.4 ACTIONS TO CLOSE THE BUDGET GAP

3.4.1 Local Government nationally is facing significant financial challenges. Tower Hamlets is not isolated from these and it has taken a number of actions to address the budgets pressure and close the gap.

3.4.2 The Council is undergoing a transformation programme to make sure we are achieving the council's agreed priorities, Mayor's ambitions for the borough and the objectives set out in the Strategic Plan in a more efficient and financially sustainable manner.

3.4.3 Boards have been set up to drive the transformation and achieve those efficiencies detailed in our Medium-Term Financial Strategy (MTFS). These boards have been set up to bring much more rigour to the financial management process, in part based on the annual underachievement of savings targets over a number of years and will help to reorganise and restructure the council and are subject to on-going quarterly review to ensure they are working as effectively as possible.

3.4.4 The diagram below shows how these new governance arrangements for the transformation of the Council operate:



- 3.4.5 A key element of these arrangements is the Budget Board, which is chaired by the Section 151 Officer and leads on approving budget efficiencies, including saving targets, budget growth requests and in-year variances.
- 3.4.6 In addition, the Council is also reviewing its Target Operating Model to guide the organisations evolution towards one that places more emphasis upon the needs and aspirations of the people of our Borough and the users of our services.
- 3.4.7 Directorates have been issued with £40m savings targets to achieve and proposals will progress through the new governance framework to ensure they are deliverable, and all potential savings are identified. Savings that can be taken in year will be identified as part of this process.
- 3.4.8 A corporate savings target has also been set for the Corporate Restructure Initiative. There are three drivers that necessitate a review of the departmental structures for the Council's services. These are: -
- To ensure staff resource is better aligned to the Council's priorities.
 - To ensure that the services we offer are as efficient and customer focused as they can be.
 - To provide an accelerated contribution to the delivery of £40m of realisable recurring savings required over the coming medium term to secure a financially sustainable position in line with our financial strategy.
- 3.4.9 Options identified as part of these actions will come forward for Councillors to approve as outlined in the budget setting timetable.

3.5 RISKS AND OPPORTUNITIES

- 3.5.1 When setting the draft MTF5, best estimate of service costs and income based on the information currently was used. However, there will always be factors outside of the Council's direct control which have the potential to vary the key planning assumptions that underpin those estimates.
- 3.5.2 There are a number of significant risks that could affect either the level of service demand (and therefore service delivery costs) or its main sources of funding. In addition, there are general economic factors, such as the level of inflation and interest rates that can impact on the net cost of services going forward.
- 3.5.3 Existing pressures in service demand are reported in the Council's budget monitoring for 2023/24 reports. The main MTF5 risks and opportunities are summarised below.

Inflation

- CPI Inflation stood at 6.8% in July 2023, down from 7.9% in June. Inflation is expected to continue to fall but it has proven persistent and the economy resilient to date so there is a risk that the Council's current assumptions will need to be revised.
- A 1% change in pay inflation equates to c£2m.

Regulatory

- **Business Rate Reset** – A proposed business rates reset by the Department for Levelling Up, Housing and Communities (DLUHC) could mean that the baseline level will be raised to the current level of business rates, and therefore Tower Hamlets will only retain extra income for growth that occurs above the new baseline expected level.
 - The target business rates amount since 2013-14 was set on cash amounts received in previous years. This created winners and losers depending on the timing of appeals. Tower Hamlets benefited from the methodology chosen, plus has benefitted from growth achieved locally since 2013-14.
 - It was always DLUHC's intention to update the target amounts. This was planned to take place in 2019/20 but has been regularly delayed and not expected until at least 2026/27, so, in this regard, Tower Hamlets has benefitted. It is envisaged that resets will also occur periodically going forward.
 - Once the reset takes place, it is expected the growth will be redistributed based on need (within the funding formula) and Tower Hamlets will receive a share. Tower Hamlets should also receive more resources going forward, if local growth continues.

- **Review of relative needs and resources (also called the Fair Funding Review)** - The government has committed to reforming the way local authorities are funded. Its Fair Funding Review aimed to introduce a new funding formula from April 2021, which was now delayed and not expected until at least 2026/27. The government has said that the Fair Funding Review will: -
 - set new baseline funding allocations for local authorities;
 - deliver an up-to-date assessment of the relative needs of local authorities;
 - examine the relative resources available to local authorities;
 - focus initially on the services currently funded through the local government finance settlement;
 - be developed through close collaboration with local government to seek views on the right approach.
- It is considered likely that London authorities will be adversely affected by the changes.

Adult Social Care Services

- **Price pressures in the social care market** – impact of workforce shortages and inflation on labour, fuel, food and clothing costs.
- **Discharge from hospital** – reduction in NHS funding for the short-term funding of care costs for residents that are discharged from hospital.
- **Increased demand** – Population growth estimates are built in and changes in the complexity of needs also impacts demand.

General Economic Factors

- Economic growth slowing down or disappearing
- Reductions in grant and third party funding
- Reductions in the level of income generated through fees and charges
- A general reduction in debt recovery levels

Increases in Service Demand

- Adult Social Care homecare and residential care services
- Children's Social Care including an increase in the number of looked after children, unaccompanied asylum seekers or those with no recourse to public funds
- Support for children with special educational needs including transportation
- Housing (including homelessness and temporary accommodation)
- General demographic trends (including a rising and ageing population)
- Impact of changes to Welfare Benefits

Efficiencies and Savings Programme

- Non-delivery of savings is a risk to the Council and will continue to be monitored during the current and next financial year
- Slippage in the expected delivery of the savings programme

Local Taxation

- Collection rates are impacted by the economy which affects taxpayers' ability to pay.
- The current MTFS assumes no increase in Council Tax.
- An increase in the Council's tax base has occurred over previous years and growth above current projections will generate more income.

Other Opportunities

- Growth in local taxbase for both housing and businesses
- Service transformation and redesign including digital services
- Invest to save approach (including capital improvements) to reduce revenue costs
- Income generation opportunities including through a more commercial approach

3.6 RESERVES

3.6.1 Reserves are an important part of the Council's financial strategy and are held to create long-term budgetary stability. They enable the Council to mitigate future risks, such as increased demand and costs; to help absorb the costs of future liabilities; and to enable the Council to resource policy developments and initiatives without a disruptive impact on rates of Council Tax.

3.6.2 The Council's key sources of funding face an uncertain future and the Council, therefore, holds earmarked reserves and a working balance in order to mitigate future financial risks. There are two main types of reserves:

- Earmarked Reserves without Restrictions – held for identified purposes and are used to maintain a resource in order to provide for expenditure in future years.
- Earmarked Reserves with Restrictions - held for identified purposes but their use is restricted to specific spend (e.g. grant conditions) so cannot be repurposed.
- General Reserves – these are held for 'unforeseen' events. The minimum level has been set at £20m.

3.6.3 The following table shows an early projection of the level of reserves based on an assumed spending profile and that no new reserves are created. They do not take into account the funding of any budget gaps projected in the MTFS.

	31/03/2023 £m	31/03/2024 £m	31/03/2025 £m	31/03/2026 £m	31/03/2027 £m
General Fund Reserve	24.2	20.0	20.0	20.0	20.0
Reserves without restrictions	97.3	61.9	42.9	34.8	31.9
Sub total	121.5	81.9	62.9	54.8	51.9
General Fund Restricted Reserves	97.6	78.7	70.3	53.4	40.7
Total	219.1	160.6	133.2	108.2	92.6

4 EQUALITIES IMPLICATIONS

4.1 There are no equality implications directly resulting from this update report.

5 OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 There are no other statutory implications arising from this update report.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 The report provides and update on the MTFs and actions taken to bridge the budget gap. Financial comments have been incorporated in the report.

7 COMMENTS OF LEGAL SERVICES

7.1 The Council is required by section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs. The Council's Chief Finance Officer has established financial procedures to ensure the Council's proper financial administration. These include procedures for budgetary control of which this report forms part. It is consistent with these arrangements for Cabinet to receive information about the revenue and capital budgets from time to time and as set out in this report. It is also consistent to be continually reviewing the position on a rolling basis and setting strategic directions for the coming months.

- 7.2 The monitoring of budgets and financial information is also a significant contributor to meeting the Council's Best Value legal duty and therefore this report complies with that legal duty.
- 7.3 There are areas covered in the report where persons with a protected characteristic for the purposes of the Equality Act 2010 may be indirectly affected by the budgets as set. However, where changes in the budgetary position may result in a change to the delivery of a service, the effect on such persons will be considered separately and prior to the making of a change to that service.
-

Linked Reports, Appendices and Background Documents

Linked Report

None

Appendices

- Appendix A - MTFS Summary

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

None

Officer contact details for documents:


Chris Leslie, Head of Strategic and Corporate Finance
Shakil Rahman, Senior Accountant

Medium Term Financial Strategy (MTFS) Summary 2024-27

Appendix A

	2024-25 £'000	2025-26 £'000	2026-27 £'000
Net Service Costs	445,481	486,050	490,598
Growth - Previously approved by Full Council	34,201	3,102	
Growth - Reduction in Core Grants funding assumptions	(9,630)	(4,495)	-
Inflation - Previously approved by Full Council	10,000	6,900	-
Inflation - New	7,800	-	8,000
Savings - Previously approved by Full Council (includes unachievable and reprofiled savings)	(1,802)	(959)	-
Total Funding Requirement	486,050	490,598	498,598
Core Grants:			
- Revenue Support Grant	(41,315)	(41,563)	(41,563)
- New Homes Bonus	(3,890)	(3,890)	(3,890)
- Services Grant	(4,510)	(4,510)	(4,510)
- Improved Better Care Fund	(16,810)	(16,810)	(16,810)
- Social Care Grant	(30,082)	(30,082)	(30,082)
- ASC Discharge Fund	(3,928)	-	-
- ASC Market Sustainability & Improvement Fund	(5,158)	(5,158)	(5,158)
- Public Health Grant	(39,099)	(39,334)	(39,334)
- Homelessness Prevention Grant	(6,080)	(6,080)	(6,080)
- Rough Sleeping Initiative	(658)	(658)	(658)
Core Grants	(151,530)	(148,085)	(148,085)
Business Rates	(170,043)	(171,646)	(159,930)
Council Tax	(133,102)	(136,763)	(140,524)
Total Funding	(454,675)	(456,494)	(448,539)
Budget Gap / (Surplus)	31,375	34,104	50,059
Contribution to Reserves / (Drawdown from Reserves)	(15,622)	(4,822)	-
Savings to be identified	15,753	29,282	50,059
Assumptions:			
<ul style="list-style-type: none"> • No increase in Council Tax for all years. • Council Tax assumes taxbase growth of 2.75% for all years. • Business Rates income - assumes reset to occur in 2026-27. • Core Grants funding assumptions based on latest projections modelled by LG Futures. • Pay Inflation - 2023-24 6%, 2024/25 4% and future years 2%. • Contractual Inflation - 2023-24 6%; 2024-25 4% and future years 2%. 			

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<p>Cabinet</p> <p>25 October 2023</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Julie Lorraine, Corporate Director of Resources</p>	<p>Classification: Open (Unrestricted)</p>
<p>Continuation of Business Rates Pooling</p>	

Lead Member	Councillor Saied Ahmed, Cabinet Member for Resources and the Cost of Living
Originating Officer(s)	John Harrison, Interim Director of Finance, Procurement and Audit Chris Leslie – Head of Strategic and Corporate Finance
Wards affected	(All Wards);
Key Decision?	Yes
Reason for Key Decision	Financial threshold
Forward Plan Notice Published	20/09/23
Exempt information	N/A
Strategic Plan Priority / Outcome	Investing in Public Services

Executive Summary

By continuing in the business rates pool in 2024/25 the Council is projected to gain £2m in additional income.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Continue the Council’s participation in the 8 Authority Pool for Business Rates with seven other London Local Authorities for 2024-25.

1 REASONS FOR THE DECISIONS

- 1.1 Through membership of the business rates pool to date, the Council is projected to gain £5.1m (£3.5m in 2022/23 and £1.6m in 2023/24). It is expected that through continued membership in 2024/25 the Council would benefit from a further c£2m.

- 1.2 Each year the Government requires Local Authorities to confirm their membership of business rates pools. This report seeks approval for the London Borough of Tower Hamlets to continue in the 8 Authority Pool for Business Rates with seven other London Local Authorities.

2 ALTERNATIVE OPTIONS

- 2.1 The alternative is not to join the pool. As there must be geographical connections between pooling authorities there are no alternative pools to join currently.

3 DETAILS OF THE REPORT

- 3.1 A business rate pool is a voluntary arrangement between a group of local authorities whereby their combined business rates income and any growth is collected as one common fund or 'pool'. The pooling process which is a statutory mechanism is based on powers conferred by Part 9 of Schedule 7B to the Local Government Finance Act 1988 (inserted by Schedule 1 to the Local Government Finance Act 2012). Broadly the Act provides a mechanism for two or more authorities to pool business rates and that pools will start in each financial year from 1 April.
- 3.2 There is a strong incentive to pool because, in many cases, authorities that pool can be better off collectively. This is because the levy rate for a pool as a whole can be lower than that for individual pool members if they remained outside the pool.
- 3.3 When determining which set of authorities should form a pool the financial benefits of different groupings are assessed, and pools are largely based on this. This is why the current grouping exists and is not a wider London pool.
- 3.4 The Council entered a business rates pool with seven other neighbouring London Boroughs in 2022/23 (the 8 Authority Pool) and will continue in this pool arrangement for 2023/24. This enables the Council to retain some of the levy on growth that would otherwise be required to be paid to Central Government.
- 3.5 Members of the Pool are:
- Barnet
 - Brent
 - City of London
 - Enfield
 - Hackney
 - Haringey
 - Tower Hamlets
 - Waltham Forest
- 3.6 The pool uses LG Futures to support its projections and modelling. Based on past performance and current forecasts it is expected the Council could gain c£2m in levy payments through the pool in 2024/25, that would have been

paid to central government. Savings are based on actual business rates retained at the year end so are subject to change.

- 3.7 Each authority is required to renew their agreement to the pool every year so there is no guarantee the pool will be formed again in 2024/25. However, given the sizeable financial incentive and benefit to date it is likely that the pool will continue, and the Council will have the option to join it again.
- 3.8 Members of the pool have until 28 days after the provisional Local Government Finance settlement to withdraw from the pool. However, a withdrawal of any single member would cause the pool to end and therefore impact on all other members.
- 3.9 Membership of the pool does not impact on the Council's decision-making abilities, and there is an administrative change where payments are made/received from the pool administrator (City of London) instead of directly to Central Government.
- 3.10 A member of the pool is required to be the administrator, which comes with several responsibilities. This includes making payments, calculating amounts due or owed and being the main point of contact for government. The pool reimburses the City of London for the administrative costs incurred, which are expected to be c£62k in 2024/25.

4 EQUALITIES IMPLICATIONS

- 4.1 There are no equality implications directly resulting from this report.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.

- 5.2 There are no other statutory implications contained in this report.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 Continued membership of the business rates pool is projected to save the Council £2m in payments to central government.

7 COMMENTS OF LEGAL SERVICES

- 7.1 The Council has the power to enter into the statutory pooling process under Part 9 of Schedule 7B to the Local Government Finance Act 1988 (inserted by Schedule 1 to the Local Government Finance Act 2012).
-

Linked Reports, Appendices and Background Documents

Linked Report

None.

Appendices


None.

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

None.

Officer contact details for documents:

N/A

<p>Cabinet</p> <p>25 October 2023</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Julie Lorraine, Corporate Director, Resources</p>	<p>Classification: Unrestricted</p>
<p>Record of Corporate Director's Actions Quarter 1 (2023 -2024)</p>	

Lead Member	Councillor Saied Ahmed, Cabinet Member for Resources and the Cost of Living
Originating Officer(s)	John Harrison, Interim Director of Finance, Procurement and Audit
Wards affected	All wards
Key Decision?	No
Forward Plan Notice Published	8 September 2023
Reason for Key Decision	N/A
Strategic Plan Priority / Outcome	A fair and prosperous community

Executive Summary

This report sets out, for noting by Cabinet, the Corporate Director's Actions taken under Rule 10 (section 50 Record of Corporate Director's Actions (RCDA) - Waiving of Procurement Procedures) in Part C – Codes and Protocols of the Council's constitution.

The section states that Corporate Director's Actions in respect of contracts over £100,000 must be reported to Cabinet for noting and this report fulfils this requirement.

Recommendations:

The Mayor in Cabinet is recommended to:

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

1. REASONS FOR THE DECISIONS

- 1.1 The Council's constitution requires that Corporate Director's Actions in respect of contracts over £100,000 must be reported to Cabinet for noting.
- 1.2 The regular reporting of Corporate Director's Actions should assist in ensuring that Members are able to scrutinise officer decisions.

2. ALTERNATIVE OPTIONS

- 2.1 The Council is bound by its constitution to report to Cabinet financial decisions taken under Corporate Director's Actions.
- 2.2 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.

3. DETAILS OF REPORT

- 3.1 Section 50 of the Council's constitution "Record of Corporate Director's Actions (RCDA) - Waiving of Procurement Procedures" states that:
- 3.2 Procurement Procedures may be waived by a Corporate Director in liaison with the Head of Procurement and the Director of Legal, where the total value of the contract does not exceed the value of £177,897 (this is cumulative where there are a series of RCDAs in a period of 12 months), after considering a written report (RCDA) by the appropriate officer, that the waiver is justified because:
 - a) The nature of the market for the works to be carried out or the supplies or
 - a. services to be provided has been investigated and has demonstrated that only a single source of supply is available, or
 - b. On balancing the risk and circumstances, it is clearly in the Council's interest to do so; or
 - c. The contract is for works, supplies or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen – e.g. to protect life or property when no existing contractual arrangement is in place, or if the purchase is needed to urgently comply with an order of Civil or Criminal Court; or
 - d. The purchase is from a supplier where there is an existing obligation to the Council (e.g. under a warranty to contribute to the cost).
 - e. Variations of contracts that do not fall within the exceptions listed in section 24.3

- 3.3 A record of the Corporate Director's Actions are shown in Appendix 1.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The comments of the Chief Financial Officer have been included on each individual decision. There are no further financial implications arising from this report.

5. LEGAL COMMENTS

- 5.1 The report sets out individual Corporate Directors' Decisions for noting by Cabinet, as required by the Constitution. Therefore, the nature of this report is to comply with the Constitution.
- 5.2 Internal guidelines have been published setting out the process by which Records of Corporate Directors' Decisions are completed. These specify that the proposed decision must be in accordance with the Council's Financial Regulations and its Procurement Procedures.
- 5.3 The specific legal implications of each of these decisions has been considered and commented upon at the time each decision was made.
-

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 RCDA Q1 2023 - 2024

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None


Officer contact details for documents:

- Jignesh Parmar – Head of Procurement

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Corporate Director	Procurement Reference	Title	Value	Contractors Name and Address	Date approved by HOP	Service Contact and Post Title	Justification for Decision (to waive requirements specified under the Council's Procurement Procedures)
Denise Radley (decision taken by Warwick Tomsett)	HAC(R)339	TH Learning Disability Service- Vulcan Square	£173,669	Look Ahead Kings Buildings, Smith Square, London, SW1P 3HQ	15/05/2023	Andria Gosling MH & Joint Commissioning	Short-term direct contract award to Look Ahead for the provision of one supported living scheme for adults with Learning Disability and Autism. The contract term (9 months) was required as the contract in place at the time provided no further option to extend; and therefore this decision allows sufficient time for the building to be decanted and the service to be re-commissioned or decommissioned, dependent on the outcome of a scoping exercise to review/re-commission the service from an alternative Council owned site expedited through the HAC capital programme.
Kamran Rashid (Interim)	P(R)344	Professional Services Tower Hamlets Civic Centre	£162,000	Turner & Townsend Project Management Ltd One New Change, London, EC4M 9AF	11/05/2023	Yasmin Ali New Town Hall Delivery	Direct contract award for the provision of professional (Employers Agents) services relating to the new Tower Hamlets Town Hall Project (formerly the Civic Centre Project). Due to the necessity for continuation of ongoing works an extension was approved for additional payment under Contract P5334 till November 2022. The works program was further extended to May 2023 and a new direct contract award was required to enable Employers Agent services to conclude the works.
Karen Swift (Acting up) Page 47	P(R)345	Appointment of waking watch fire marshal Team at Odette Duval House	£169,937	ParkGuard	14/06/2023	Darren Cruice Asset Management & Compliance	Subsequent to LBTH Fire Engineers carrying out an external wall survey in June 2023, concerns were raised about the potential spread of fire across the building due to the nature and extent of insulated window panels. It was recommended that until the Council changes the panels, it should appoint a team of fire marshals to patrol the building, 24 hours per day. Therefore, approval was sought to appoint fire marshals to undertake a waking watch service from 19 June 2023 for a period of 14 weeks. The team consists of 4 onsite officers providing services 24 hours per day and includes provision of welfare facilities.
Kamran Rashid (Interim)	P(R)347	Catering Cafe Operator	£175,000	City Foods UK Ltd - Sandwich Plus	26/06/2023	Amanda Baird Facilities Management	The initial tender for Catering Café Operator Services (for service provision at a number of Council sites) was aborted due to a lack of interest from suppliers (owing to high set up costs) and therefore a 12 month direct contract award was approved to meet demand for such services. The direct award allows sufficient opportunity for the Council to undertake a review of the market and re-tender accordingly.
Raj Mistry (Interim)	HAC(R)345	Neat Vehicles (Engagement Bus)	£150,781	Neat Vehicles Unit 6, Fulwood Road North, Huthwaite, NG17 2NB	23/05/2023	Joshuah Codjoe Safer Neighbourhood Operations	Direct contract award to a specialist supplier; Neat Vehicles to supply a new engagement bus for the Community Safety Team to carry out a series of engagement events with residents and businesses across Tower Hamlets. The request stems from the previous bus requiring extensive repairs and due to its age/unknown risks of repair potentially resulting in further costs and reluctance from suppliers to undertake the work/lack of interest in tendering, it was recommended that purchasing a new bus from Neat Vehicle would be a viable option. Neat Vehicles have provided a lead time of approximately 6 – 9 months to complete the work from order, which should result in the bus being mobilised towards late 2023 or early 2024.

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Cabinet 25 October 2023	 TOWER HAMLETS
Report of Julie Lorraine, Corporate Director, Resources	Classification: Unrestricted
Contracts Forward Plan – Quarter Two (FY2023-2024)	

Lead Member	Councillor Saied Ahmed, Cabinet Member for Resources and the Cost of Living
Originating Officer(s)	Jignesh Parmar – Head of Procurement
Wards affected	All wards
Key Decision?	Yes
Forward Plan Notice Published	8 September 2023
Reason for Key Decision	Significant Financial Expenditure and Significant Impact on two or more wards
Strategic Plan Priority / Outcome	A fair and prosperous community

Executive Summary

The Council’s Procurement Procedures require a quarterly report to be submitted to Cabinet, setting out a forward plan of supply and service contracts over £1m in value, or capital works contracts over £5m. This provides Cabinet with the visibility of all high value contracting activity, and the opportunity to request further information regarding any of the contracts identified. This report provides information relating to quarter two of the current financial year. Only contracts which have not previously been reported are included in this report.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Consider the contract summary at Appendix 1 and identify those contracts about which specific reports – relating to contract award – should be brought before Cabinet prior to contract award by the appropriate Corporate Director for the service area.

2. Authorise the appropriate Corporate Director in consultation with the Mayor to award those contracts set out in Appendix 1 and not identified in accordance with recommendation 1, following an appropriate procurement exercise.
3. Authorise the Director Legal Services (Monitoring Officer), to execute all necessary contract documents in respect of the awards of contract referred to at recommendation 2, subject to an appropriate award decision being achieved in accordance with recommendations 1 and 2 above.
4. Review the procurement forward plan 2023-2028 schedule detailed in Appendix 2 and identify any contracts about which further detail is required in advance of the quarterly forward plan reporting cycle.

1. REASONS FOR THE DECISIONS

- 1.1 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 one of the current financial Year.

2. ALTERNATIVE OPTIONS

- 2.1 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.

3. DETAILS OF THE REPORT

- 3.1 Council's procurement procedures and processes have undergone major improvements to ensure they are clear, concise and transparent. Our systems, documentations and guidance to suppliers have been transformed to ensure they reflect best practice in Public Sector procurement. Our efforts in maintaining effective dialogue with our bidders during the procurement process has helped to minimise procurement challenges.
- 3.2 To ensure the Council continues to be recognised for its sound procurement practices and effective engagement with the supply community, it is imperative that delays in contract award are minimised and adherence to the timetable outlined within our Invitation to Tender documentations.

- 3.3 The importance of procurement as an essential tool to deliver Councils wider social, economic and environmental aims has resulted in the need to ensure effective elected Member engagement in the pre-procurement and decision-making process as identified in the recent Best Value audit.
- 3.4 This report provides the forward plan for quarter two of the current financial year at Appendix 1 and gives Cabinet Members the opportunity to select contracts about which they would wish to receive further information, through subsequent reports.
- 3.5 The report also includes a Procurement Forward Plan 2023-2028 to provide the Mayor and Cabinet members with high level visibility of planned procurement activity and the opportunity to be informed in advance of the procurement cycle.
- 3.6 Appendix 1 details new contracts that are planned during quarter two of this financial year. This plan summarises new contracts that have been registered with the Procurement Service, and are scheduled for procurement during the reporting period.
- 3.7 Contracts which have previously been reported are not included in this report. Whilst every effort has been made to include all contracts which are likely to arise, it is possible that other, urgent requirements may emerge. Such cases will need to be reported separately to Cabinet as individual contract reports.
- 3.8 Cabinet is asked to review the Contracts Forward Plan (CFP), confirm its agreement to the proposed programme and identify any individual contracts about which further information – relating either to contracting strategy or to contract award – will be required before proceeding.

Consultation

- 3.9 The table below outlines contracts identified in Appendix 1 and the relevant service area/directorates. Officers from the relative service areas were advised to consult with Lead Members on the proposal of each of the contracts:

Directorate	Number of Contracts	Project title / description
Health & Adult & Social Care	Two	1. Homecare services for adults 2. Children and young people's health and wellbeing service.
Resources	One	1. Enforcement agents for the collection of Council Tax, Non-Domestic Rates, Sundry Debts and unpaid Penalty Charge Notices.
Housing & Regeneration	Three	1. Grid Electricity Natural Gas 2. Brunton Wharf New Build Infill / estate upgrade works 3. Parking Management System
Communities	Two	1. Liquid (HVO & Diesel) Fuel Supply 2. Independent domestic violence advocacy

		service.
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3.9.1 The Council also ensures further governance through its tollgate process, which is a procurement project assurance methodology, designed to assist in achieving successful outcomes from the Council's high value contracting activities (over £1m, for revenue contracts, and £5m, for capital works contracts which have not gone through the Asset Management Board approval system).

4. EQUALITIES IMPLICATIONS

4.1 Equality and diversity implications and are addressed through the tollgate process, and all contracting proposals are required to demonstrate that both financial and social considerations are adequately and proportionately addressed.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications.
- Consultations.
- Environmental (including air quality).
- Risk Management.
- Crime Reduction.
- Safeguarding.

Best Value Implications

5.2 The Council is required to consider the value for money implications of its decisions and to secure best value in the provision of all its services. The Council procures circa £350m of supplies and services annually with a current supplier base of approximately 3,500 suppliers. The governance arrangements undertaking such buying decisions are set out in the Council's Procurement Procedures, which form part of the Financial Regulations.

5.3 The contracts listed in Appendix 1 are all subject to the Council's tollgate process which involves a detailed assessment by the Procurement Review Panel of the procurement strategy to ensure compliance with existing policies, procedures and best value duties prior to publication of the contract notice.

Sustainable Action for Greener Environment

5.4 Contracts are required to address sustainability issues in their planning, letting and management. This is assured through the tollgate process.

Risk Management

- 5.5 Risk management is addressed in each individual contracting project and also assessed through the tollgate process.

Efficiency Statement

- 5.6 Contract owners are required to demonstrate how they will achieve cashable savings and other efficiencies through individual contracting proposals. Proposed efficiencies are subsequently monitored throughout implementation.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report details the contract forward plan for quarter two of 2023-24 in accordance with the Council's procurement procedures. Procurement timelines may vary slightly due to delays relating to planning and reviewing commissioning intentions across various directorates; however it is anticipated that the proposed restructure within Procurement will allow for a robust strategic and timely approach going forwards. All contract spend should be carried out within approved resources and, where possible, savings identified to improve value for money and contribute to MTFS savings.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The Council has adopted financial procedures for the proper administration of its financial affairs pursuant to section 151 of the Local Government Act 1972. These generally require Cabinet approval for expenditure over £1m for revenue contracts and £5m for capital works contracts as Key Decisions.
- 7.2 Cabinet has approved procurement procedures, which are designed to help the Council discharge its duty as a best value authority under the Local Government Act 1999 and comply with the requirements of the Public Contract Regulations 2015. The procurement procedures contain the arrangements specified in the report under which Cabinet is presented with forward plan of proposed contracts that exceed specified thresholds. The arrangements are consistent with the proper administration of the Council's financial affairs.
- 7.3 Pursuant to the Council's duty under the Public Services (Social Values) Act 2012, as part of the tender process and where appropriate, bidders will be evaluated on the community benefits they offer to enhance the economic social or environmental well-being of the Borough. The exact nature of those benefits will vary with each contract and will be reported at the contract award stage. All contracts delivered in London and which use staff who are ordinarily resident in London will require contractors to pay those staff the London Living Wage. Where workers are based outside London an

assessment will be carried out to determine if the same requirement is appropriate.

- 7.4 When considering its approach to contracting, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). Officers are expected to continuously consider, at every stage, the way in which procurements conducted and contracts awarded satisfy the requirements of the public sector equality duty. This includes, where appropriate, completing an equality impact assessment as part of the procurement strategy, which is then considered as part of the tollgate process.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – new contracts planned: Q2 of the Financial Year and beyond.
- Appendix 2 - Procurement Forward Plan 2022 -2028

Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

- None

Officer contact details for documents:

Jignesh Parmar (Head of Procurement)

Appendix 1

Health & Adult Social Care Directorate

Contract Ref & Title	HAC5744, 5745, 5746 and 5747 Homecare services for adults		
Procurement Category:	Health & Care	Contract Duration & Extensions:	Short-term direct contract award: Up to 9 months (from 1 January 2024 to allow for mobilisation of new contracts)
One-Time / Recurrent	One-Time	Funding Source:	<input type="checkbox"/> General Fund <input type="checkbox"/> Capital <input type="checkbox"/> HRA <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Reserves <input type="checkbox"/> S106 <input type="checkbox"/> Revenue Generating
Cost Code	TBC		
Value Total:	£25,551,000 (for 9 months)	Statutory / Non-Statutory	Statutory
Value Per Annum:	£34,068,000 per Year based on 2022/23 figure plus uplift agreed for 2023/24 – commissioned contract only	Budget	£34,068,000 per Year
Current annual value	£34,068,000 per Year based on 2022/23 figure plus uplift agreed for 23/24- commissioned contract only	Revised Annual Contract	£ 25,551,000 (for 9 months)
Savings Annual Value	Not Applicable		

Summary of how savings will be achieved

There will be no savings in this short-term direct contract award, but a cost increase as set out in the contracting approach below with revised fixed hourly rates for successful bidders. This is to meet the obligations under the Ethical Care Charter including a Council commitment to pay the London Living Wage (LLW).

Background and contract information.

The current contracts end on 31 December 2023 (one per locality) and Council officers are currently managing an open tender process which was published on 19 August 2023. It is anticipated that the tender process will lead to the award of new contracts by the expiry date.

As outlined in the Cabinet paper of 22 February 2023 (paragraph 1.5) the recommissioning of adult homecare services necessitates a further period of mobilisation and transfer of care packages beyond 1 January 2024.

This is because the model of homecare, agreed by the Mayor, is seeking to increase the number of homecare providers in each of the four localities by up to a maximum of 12 providers (3 per locality).

There is no further option to extend the current contractual agreements. The Council therefore seeks approval for a short-term direct contract award for up to nine months. The direct awards are intended for the current five locality framework providers to cover the period of mobilisation and transfer of the service following the contract award process, which is scheduled to take place by 31 December 2023. The exact amount of time required to complete this process will depend, in part, on whether any of the existing providers are successful in the procurement process.

A detailed mobilisation and transfer plan will be drawn up prior to contract award, and will then be implemented during the period 1 January to 30 September 2024.

The incumbent providers of the current service across the four localities are Apasen, Care Solutions Bureau, Diversity, Excelcare and Mihomecare. In addition, there are a number of 'spot' or individual placement contracts held with a range of smaller local homecare providers.

The current contracts have been monitored through the duration of the service and have performed well; service users and their families have consistently expressed high levels of satisfaction with the care and support provided.

Approval is sought for these direct contract awards to provide statutory homecare services to all adults assessed as requiring care and support under the Care Act 2014.

Contracting Approach

The short-term direct awards are planned to run from 1 January 2024 for a maximum of nine months to 30 September 2024 to allow adequate time for the safe mobilisation of the new awarded contracts. This will allow for the smooth transition to a new service provision with little disruption to care and support arrangements.

The new hourly rates to be paid to all successful tenderers for the new contracts are for General homecare, £21.98 per hour, for Specialist homecare £23.40 per hour and for Sleeping Night Care £15.11 per hour.

Tender submissions will be evaluated by October 2023. The direct awards will be based on the existing hourly rates paid to the incumbent providers.

Community Benefits & Social Value

For the period of the direct awards, Social Value will continue to be delivered as originally specified within the current contract i.e. 5%.

From award of the existing homecare contracts, providers signed up to a number of items on the Local Economic Benefits Schedule including the following:

- Appoint a Named Contact to work alongside the Council's Economic Development Team, to liaise in the first instance on all employment and enterprise tasks and monitoring.
- Work alongside the Council's Employment Support Services to achieve local labour targets. Local advertising and recruitment for 5 working days prior to general release.
- Fund Job Fairs
- Attend and exhibit at local Job Fairs as organised by LBTH or its partners (this can include any which you also fund)
- Graduates employed
- Higher Apprentice starts
- Lower Apprentice starts

- Existing Apprentices transferred
- Apprenticeship completions
- New local Jobs created – Minimum 50%
- Promote opportunities through advertising and "Meet The Buyer" events for small suppliers (including those with less than 10 employees)
- Work Experience Placements 16yrs Plus (unpaid, min 2 weeks)
- Mentoring of School or college pupils interested in the industry.
- Work Experience places offered via "Working Start" Programme or other -up to 6 months
- Support work placements for individuals with learning difficulties
- Voluntary Work Placements - to support those seeking practical experience and CV enhancement

For the new contracts (which are being procured through a current tender process) Social Value will be set at 10% and form part of the formal tender evaluation.

Childrens Services Directorate

Contract Ref & Title	Children and Young People's Health and Wellbeing Service - HAC5906		
Procurement Category:	Health & Care	Contract Duration & Extensions:	3+2+2 Years Start date: 1 st August 2024
One-Time / Recurrent	Recurrent	Funding Source:	<input type="checkbox"/> General Fund <input type="checkbox"/> Capital
Cost Code	37008		<input type="checkbox"/> HRA <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Reserves <input type="checkbox"/> S106 <input type="checkbox"/> Revenue
Value Total:	£16,800,000	Statutory / Non-Statutory	Statutory
Value Per Annum:	£2,400,000 per Year	Budget	£2,400,000 per Year
Current annual value	£2,400,000 per Year	Revised Annual Contract	£2,400,000 per Year
Savings Annual Value	Not Applicable		
Summary of how savings will be achieved			
No savings proposed due to 1) increase in service users of 23% over past 10 years, 2) increased health needs since pandemic, 3) further NHS staff pay awards are anticipated.			
<u>Background</u>			
<p>The local authority has a statutory duty to ensure the delivery of the Healthy Child Programme (HCP) which is an evidence-based, universal programme for all children and commission sexual health and substance misuse prevention and treatment services for young people.</p> <p>To inform the design of the new contract, service evaluations and health needs assessments (HNAs) of children and adolescents aged 5-19 were completed. The HNAs found increased levels of need for the service and evaluations identified that whilst many elements of the services performed well, there was overlap in the secondary-aged elements, staffing shortages were ongoing service risks and service visibility, and accessibility could be improved. A school health transformation programme is underway to improve the wider system in which the service operates.</p>			

Scope of contract

The contract will replace two existing contracts: 1) School health and wellbeing service (school nursing) and 2) Integrated young people's health and wellbeing service (Safe East).

The contract will merge these public health services into a single, universal service for all children aged 5-19 years, up to 25 years with SEND (Special Educational Needs Disabilities) and care experience. The service will deliver the Healthy Child Programme and sexual health and substance misuse prevention and treatment services.

There will be three lots:

1. Primary age provision (£1 million p.a.) – similar to the existing school health service
2. Secondary age provision (£1 million p.a.) – merging school health service and Safe East services to reduce overlap
3. Enabling outcomes lot (£400k p.a.) – to fund capacity across Lots 1 and 2 for co-production, partnership coordination, culturally-sensitive communication, transitions, and care coordination

Rationale for contract length

A 3+2+2 year contract will deliver increased savings and efficiencies over an extended period, allowing time for significant transformation work to embed and make a difference to the health and wellbeing of children whilst supporting staff recruitment and retention (given the national school nurse shortages).

It will give providers the confidence to invest in innovative technologies, develop sustainable solutions to local challenges and upskill workforce. Addressing and meeting the needs of children requires strong partnerships across the borough which take time to build. The longer this contract is in place, the more time people will have to establish working relationships and a greater understanding of what is needed. It will also allow us assess impact to ensure robust decision-making regarding retendering the contract.

The table below shows key activities in each contract year:

Year	Period	Focus
1	24/25	Establishing partnership relationships and referral pathways. Embedding new service model including new team structures delivering the social value commitments. Updating communications, promoting new service offer, designing, and embedding service offer.
2	25/26	First full year of newly established service model. Addressing possible impact of unforeseen mobilisation challenges seen in this year.
3	26/27	Second full year of newly established service model.
4	27/28	1. Evaluation of service to inform recommissioning decision and health needs assessment of CYP (Children & Young People)

		2. Market engagement, benchmarking exercise and stakeholder consultations. Decision to extend contract or reprocure made at end of this year.
5	28/29	Procure new contract, if required: Cabinet approval process (3 months), Tender process – bidding, evaluation, award approval process (6 months), mobilisation (3 months)
6	29/30	New contract starts or contract extension Year 1 plus activities in Year 4.
7	30/31	2 nd year of new contract or contract extension Year 2 plus activities in Year 5.

London boroughs with seven-year Public Health Nursing contracts include; Hammersmith and Fulham, Havering, Lewisham, Harrow, Bromley, and Greenwich.

Contracting Approach

The contracting approach will be finalised after completing the pre-sourcing activities which may include the analysis of the business need, market analysis / market engagement and development of the sourcing strategy. The procurement will be compliant with the Council's Procurement Procedures and The Public Contracts Regulations 2015 (as amended by the EU Exit Regulations 2020).

The proposed procurement route for the contract is via an open tender process. The procurement will be advertised via the Council's online tendering system (Proactis procurement portal) publishing the opportunity onto Contracts Finder. Suppliers will be required to answer a series of Standard Selection Questions and method statement questions that will assess their suitability to deliver the contracts and include provision for Social Value.

Community benefits – Social value

Social Value will have 10% overall weighting in the tender evaluation process with the requirements being developed and defined during the preparation of the Tender Pack. This will include consideration of Social Value benefits that can reasonably be delivered within the proposed contract. A 3+2+2 contract will support the provider to strongly develop and deliver community benefits.

As part of the tender process, the providers will be required to demonstrate their commitment to social value in delivering this service. A method statement on social value will be required and evaluated as part of the quality score. We will be exploring commitment to:

- equal representation of protected characteristics in senior management roles
- employing local residents
- providing volunteering and work experiences to residents
- developing opportunities for local small businesses

- running apprenticeships schemes
- commissioning training from local providers
- commitment to London Living Wage
- commitment to work with residents with localised knowledge to support delivery of the service
- fair and equitable delivery of the service, to ensure that residents with protected characteristics are not disadvantaged and health and other inequalities not exacerbated
- environmental sustainability.

Resources Directorate

Contract Ref & Title	P5919 Contract for the appointment of Enforcement agents for the collection of Council Tax, Non-Domestic Rates, Sundry Debts and unpaid Penalty Charge Notices.		
Procurement Category:	Corporate	Contract Duration & Extensions:	3 + 1 Year
One-Time / Recurrent	One-Time	Funding Source:	<input type="checkbox"/> Capital <input type="checkbox"/> On Going <input type="checkbox"/> HRA <input type="checkbox"/> Grant <input type="checkbox"/> General Fund <input type="checkbox"/> S106 <input type="checkbox"/> Reserves
Value Total:	£4.8 million approximately.		
Value Per Annum:	The value of the contract is based on income earned by the contractors which is £1.2 million.	Statutory / Non-Statutory	Statutory
Cost Code	N/A – No cost	Budget	No budget required
Current annual value	£1.2m per Year	Revised Annual Contract	£1.2m per Year
Savings Annual Value	Not Applicable – this contract is a revenue generator.		
Summary of how savings will be achieved			
This contract is a revenue generator for the Council's enforcement agents who collect outstanding debts for parking and the Council's Revenues service. Enforcement Agents make their money by charging fees and costs as laid out in prescribed legislation.			
<u>Scope of Contract</u>			
<p>The Council has a statutory duty for the collection of unpaid Council Tax, Business Rates, Sundry Debtors and PCN's. The use of Enforcement Agents (formerly bailiffs) is covered within various sections within Local Government Finance Acts and The Tribunal Court and Enforcement Act 2007.</p> <p>The use of certificated Enforcement Companies is an integral part of the overall collection process for Council Tax, Business Rates and PCN's and contributes greatly to ever increasing collection levels for the Council.</p> <p>The Council always attempts to secure a mutually acceptable payment plan from its debtors first, rather than referring the matter to Enforcement Company. The use of an Enforcement Company always follows the usual legislative enforcement process.</p> <p>In addition, the Council requires all suppliers to provide a collection service for Sundry Debtor arrears and the suppliers will provide a tracing service for all debt types. Enforcement of unpaid local taxation and PCNs is prescribed in legislation.</p> <p>The collection of unpaid debts to the Council can amount to millions of pounds per annum. The in-year collection rates for 2022/23 for Council Tax was £1.195 million and £309,015.68 for Non-Domestic Rates. In the same period £947,098.85 of outstanding PCNs was recouped. In total the fees collected by the enforcement agents comes to around £1.2 million. The estimated value of the contracts over a four-year period will thus be in region of £4.8 million.</p>			
<u>Contracting Approach</u>			

It is proposed to make use of existing frameworks. For example, The Yorkshire Procurement Organisation (Enforcement Agent Services DPS -953) and Crown Commercial Services (Lot 5, Enforcement Services of the RM6226, Debt Resolution Services) both have current frameworks that will be accessible to the Council.

Both frameworks have a comprehensive list of suppliers comprising the most of the recognised market leaders. The proposal to procure via a Framework agreement, as opposed to the council undertaking a tender process independently is based upon the following reasoning; Procurement via a framework will have the advantage that an assessment of the qualifications and stability of the businesses listed have already been undertaken. This will allow for a quicker competitive process, which will be less demanding on Council resources. The market for this type of service is mature, the council will be looking for organisations with experience in dealing with the range of debtors that the council has, the frameworks mentioned above both have a cohort of providers that have the required track record and appropriate experience. Therefore, the procurement process can relate solely to the Council's requirements and criteria.

A final decision about which framework to utilise will be made based upon the following considerations:

- The terms under the framework (eg: terms for access, the framework agreement and call off conditions, to be discussed with Legal services)
- The list of suppliers
- The tender process set out under the framework.
- Costs – ie: how much does the framework owner charge for access.

The successful bidders will be awarded a contract term of 3 years with the option to extend by one year. The procurement will be undertaken by means of a further competition in accordance with the processes stipulated by the framework providers.

The intention is to appoint a panel of 4 enforcement agents, this will ensure that there is sufficient capacity to cover demand for these services across the term.

Delivering Value for Money

The service has considered options for the enforcement of debts including the provision of enforcement services in-house. Given the nature of the debt and the infrastructure required to run a successful enforcement service it is not felt that this is a financially sustainable model at present. Given the number of EA referrals annually the service would need to recruit and train a significant number of officers. It has proven difficult in the past to recruit high calibre agents as they can earn significantly more in the private sector. The legislation restricts the approach that could be taken so that once a compliance letter is issued the case can not be passed onto another agent so the Council would have to complete the full process. The external suppliers are also able to provide greater geographical coverage to pursue debts from those who live outside the local area and utilise economies of scale to offer longer customer contact hours. At the same time, they provide significant added value in the form of free debt tracing, staff training and development that the service would otherwise have to fund. Within this procurement the Service is also seeking to drive social value via the contract by looking for funding to employ up to 8 apprentices delivering local employment and a pipeline of highly qualified revenues staff in the future.

Collection in the past year by the external agents.

The service will continue to monitor the effectiveness of its agents to ensure collection is maximised but customers are supported when necessary. It is important that the Council has some effective deterrent to prevent wilful non-payment. Experience in other LAs who have stepped back from the use of enforcement is that non-payment increases, therefore reducing income to the borough. The agents collected over £2.45m on the councils' behalf in 2022/23 across the 3 main debt types (Council Tax, NNDR and Parking).

	Parking Debts	Council Tax Debt	NNDR Debt
2022/23	£947,096	£1,195,452	£309,016

The total income derived from costs as set out by legislation was £1.2m although over 70% of these related to parking debt.

Putting the customer first

The collection of debt is a complex process, and the service seeks to put the customer at the heart of its approach. Every effort is made to engage with residents before the use of enforcement action for Council Tax debt is considered.

Throughout the process those who fall behind with payments are contacted in a variety of ways to encourage a conversation about payment and provide support to those who are vulnerable. This includes reminders, SMS and email correspondence as well as the availability of the customer call centre and hubs. The service prioritises contact from those who have received reminders or court summons to minimise costs and to prevent cases going to Enforcement. During this year 98% of calls are answered. The service has plans to increase the amount of data analysis it uses to identify residents who might be struggling early in the process. Enforcement agents are only used as the very last resort and generally only when a resident has failed to engage with the process. Over the past 4 years, 35% of the cases where a liability order has been granted were referred to the enforcement agents and this has fallen to 25% in the current financial year. Even when a case is referred to the enforcement agent but is later identified as urgent the case is automatically referred back to the service for support to be provided. Over the past 4 years, 259 vulnerable cases have been automatically returned by the agents for further support. No enforcement fees are charged to the debtors in these cases.

Social Value / Community Benefits

As part of the evaluation criteria for this procurement, Social Value will be worth 10% of the total possible evaluation score.

In order to promote opportunities for local residents and to continue work to deliver a workforce that is reflective of the local community, successful suppliers will need be required to fund 2 apprentices from within the local area. Not only will this deliver 8 new jobs to the area, and it will increase the resilience of the revenues service allowing it to provide a better service to residents. By putting these apprentices on the path to obtaining a professional qualification (The Council has funds available from its apprenticeship levy to fund the appropriate accredited course with the Institute of Revenues, Rating and Valuation.) during the term of the contract not only will this increase employment opportunities it will create skilled individuals for the Council who can fill vacant roles that may arise within the service. Recruiting high calibre candidates for the revenues service has proved difficult in recent years so by developing these individuals it will create a pipeline going forward.

Housing & Regeneration Directorate

Contract Ref & Title	P5917 Grid Electricity Natural Gas		
Procurement Category:	Corporate	Contract Duration & Extensions:	1 + 1 + 1 Years
One-Time / Recurrent	Recurrent	Funding Source:	<input type="checkbox"/> Capital <input checked="" type="checkbox"/> On Going <input checked="" type="checkbox"/> HRA <input type="checkbox"/> Grant <input type="checkbox"/> General Fund <input type="checkbox"/> S106 <input type="checkbox"/> Reserves
Value Total:	£69m Please note that exact values are unknown as the final figures will be based on consumption		
Value Per Annum:	£23m Please note that exact values are unknown as the final figures will be based on consumption	Statutory / Non-Statutory	Non Statutory
Cost Code	Assorted Cost Codes across the council	Budget	£23 Million
Current annual value	£19m per Year	Revised Annual Contract	£23m per Year
Savings Annual Value	Not Applicable – see below		

Summary of how savings will be achieved

The only way to achieve savings for grid electricity and natural gas will be to reduce consumption. This will be addressed through the Net Zero Carbon Action Plan which has been previously agreed with cabinet.

Scope of Contract

This is the procurement of grid electricity and natural gas for all the council's sites.

It is recommended that Tower Hamlets utilise the Power Purchase Agreements (PPA's) available within the framework provided by Crown Commercial Services (CCS), Supply of Energy 2 (RM6251). CCS have provided frameworks covering the procurement of energy for some years, they have an experienced energy trading and risk management team, with a track record of provision to a wide range of public bodies. In the longer term energy procurement will fall in line with the Net Zero Carbon Action Plan, looking at carbon neutral generation and offsetting with partners. The reason for taking this approach as opposed to the council tendering on its own behalf is that the council would not be able to secure the kind of pricing for this commodity that is available to a nationwide bulk buyer such as CCS.

Presently all purchased grid electricity is supported by REGO's (Renewable Energy Generation of Origin) providing all our sites with green electricity. Presently there is little or no green gas available and attracts an enormous premium.

With the decarbonisation of the grid in place, gas will not be an option in the future.

East End Homes, along with schools and colleges in the area receive their power and gas via the Council's arrangements. They are not obliged to participate, but they choose to because, the prices are advantageous compared to what they would pay if they procured on their own behalf.

Contracting Approach

The contracting approach as described above, will be in one-year tranches ie: that is one year with two additional options to extend by one year. At present there is not the liquidity in the market to allow for long term contracts. As budget certainty at the beginning of the contract is essential, a one-year fixed term with options to extend is the most appropriate for Tower Hamlets. This means that the contract term will be 1 year plus 1 plus 1. This staggered approach allows the

council flexibility in the current potentially volatile market conditions to opt out and seek alternatives if there is an option to seek less expensive supply.

Continuing the use of a public buying organisation – Crown Commercial Services, ensures the utilisation of experienced traders who purchase collaboratively on behalf of many organisations such as Central Government and the Ministry of Defence. It has a proven track record of providing outstanding value. CCS provide enhanced protection from cyber security threats through Cyber Essentials Plus which helps with the continued threat.

The council will be calling off from both lots of this framework:

Lot 1: Supply of Energy - Electricity and Additional Services – EDF Customers Limited

Lot 2: Supply of Energy - Natural Gas and Additional Services – Total Energy Gas and Power Limited

Each is a single supplier lot – CCS secure the best possible price through their bulk purchasing power via this framework (£50 Billion in total). This framework is the biggest public sector energy procurement service, with a proven record of providing value for money.

Prior to making this recommendation officers have been engaged in market research and benchmarking to ascertain the best procurement route for energy. The current volatility in energy markets are making long term recommendations very difficult. In the short term the best option for ensuring relative stability is to call off from the CCS Energy Framework. As one of biggest bulk buyers of energy in the country, this is also best prospect for ensuring the best possible prices at the moment.

Community Benefits

Social Value is not directly applicable to the proposed contract due to the nature of supply of gas and electricity, however, as the supplies affect both residents and tenants of the borough through their communal heating and land-lords supply of power, it is essential that the best value is sought through the procurement channels.

Unlike other procurements across the council, energy is a commodity sold solely on price, and evaluated solely on price. Therefore the framework conditions do not allow for the inclusion of social value as a criterion. However, the contracts incorporate the latest government policy requirements such as fighting climate change, tackling economic inequality and Wellbeing, the examples below of provision made by the framework suppliers:

Fighting Climate Change Low-carbon energy generation:

EDF is an active supplier in the zero- and low-carbon power generation industry using both nuclear power and renewable resources.

Carbon offsetting schemes:

Total Energies offer CCS framework customers the opportunity to invest in a range of carbon offsetting certificates to help achieve sustainability targets. These offer customers the ability to offset their carbon emissions in an easy and affordable manner, and Total Energies are able to use the money collected to fund worldwide carbon offset projects.

Inspiring the next generation:

EDF have entered a collaborative partnership with Pembrokeshire College to found the 'Destination Renewables' scheme, a 2-year educational programme aimed at imbuing 16-18 year old students with the skills needed to enter the renewable energy industry. EDF also offers traineeships developed to provide work experience for people aged 16-24 years. Traineeships can last for up to a maximum of 6 months with the content tailored to the needs of the business and the individual. EDF also set up Young HPC, a fast-track programme to support young people aged 16-21 to find their dream career at Hinkley Point C.

Better Energy School Awards:

TotalEnergies work in collaboration with the Young People's Trust for the Environment (YPTE) to promote environmental learning in schools through the Better Energy School Awards.

TEGP investment in renewable power:

Total Energies aims to become carbon net zero by 2050, and since 2015 have been investing in renewable capabilities. This has included numerous investments in wind power generation using offshore floating and grounded wind farms.

On-site solar power generation schemes are also available in the UK through Total Energies collaboration with SunPower

Tackling economic inequality Apprenticeship Programmes:

EDF offers a range of apprenticeship programmes to help create a more sustainable energy future and develop the next generation of UK talent.

Working with local people:

The maintenance and construction of the energy infrastructure involves a significant level of different trades and third-party suppliers and where possible EDF will try to work with local contractors to deliver projects.

Equal opportunities:

EDF have won awards for their approaches to ensuring diversity within their business and supply chain. EDF was awarded a level 4 rating in the 2021 Gender European Equality Standard re-accreditation by NGO Aborus. The same year EDF maintained its status as a Disability Confident Level 2 employer for ensuring that disabled people and those with long term health conditions can fulfil their potential and realise their aspirations.

Wellbeing

EDF works to improve community integration with their projects in the UK. EDF sets up community funds aiming at offsetting negative impacts to communities brought about by EDF infrastructure projects.

Mental Health support services:

TotalEnergies are committed to ensuring the mental wellbeing of their employees and managers are required to complete the IOSH Approved Mental Health Awareness eLearning courses. Further training and support are also offered in the form of the MIND Managing Mental Health at Work classroom courses. TotalEnergies currently have over 30 staff members trained in mental health first aid in their Redhill and Newcastle offices.

Community education:

EDF works with schools to encourage visits for students to solar or wind farms and battery storage sites. EDF also hosts workshops and provides learning resources about renewable energy. Other resources include online videos and education training funds that can help members of a local community to gain academic and professional qualifications.

Local community investment:

TotalEnergies have taken an active involvement in a number of UK-based community projects. Schemes have included planting wildflowers in Preston, clearing areas of invasive Himalayan Balsam, and taking part in charitable events to raise money for the Prince of Wales Hospice.

Contract Ref & Title	P5644 FC018 - Brunton Wharf New Build Infill / estate upgrade works		
Procurement Category:	Construction & FM	Contract Duration & Extensions:	2 Years
One-Time / Recurrent	One-Time	Funding Source:	<input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Capital <input type="checkbox"/> HRA <input type="checkbox"/> Grant <input type="checkbox"/> Reserves <input type="checkbox"/> S106 <input type="checkbox"/> Revenue Generating
Cost Code	19140 / 500721		
Value Total:	£14,857,000	Statutory / Non-Statutory	Statutory
Value Per Annum:	N/A	Budget	£16,900,000
Current annual value	N/A	Revised Annual Contract	N/A
Savings Annual Value	Not Applicable		

Summary of how savings will be achieved

The Capital Delivery Project Manager will review design portions/ pricing and in discussion with the preferred contractor agree opportunities to reduce the contract sum via value engineering throughout the 24 months build period. Finance have approved the budget to complete this build.

Background

The Council owns the freehold of the site, which was identified as part of a borough wide approach seeking development opportunities on land within existing estates for the provision of affordable high-quality homes. This existing estate is a well-designed 1960's housing estate consisting of two four storey blocks of maisonettes (Cambria & Caledonia Houses), and a 16-storey high rise block of flats (Anglian House). Although the existing estate's buildings have architectural merit, and the estate has a strong sense of community cohesion, the estate suffers with levels of crime and anti-social behaviour problems arising from excessive permeability, poor natural surveillance, and poor building security, notably the under-croft parking area at the foot of Anglian House due to poor security, perception of safety and under-utilised intended use by residents. A part of the under-croft parking area is also blocked off, and in other parts used as a storage depot by the Borough's horticultural section.

The project started in January 2019, and community consultation with existing residents and key stakeholders was central to bringing the project forward, and a planning for real style community led approach was adapted to the proposed design development of the scheme to ensure residents would lead the process. The process was subject of eight consultation events in cooperation with the Tenants Residents Association to progress

the various design development stage following an initial strategy for estate improvements evaluated at an early stage with the Designing out Crime officer, prior to the submission of a planning application in December 2019.

This is the Council's second attempt at procuring a contractor to complete the works. The contractors originally selected did not adhere to tender requirements through a single stage fixed price tender. Due to the increases in price proposed by the contractor, the Council rescinded the award of contract.

Scope of Contract

The project will aim to deliver the following objectives:

- Deliver 32 new affordable high-quality homes (8 x 1 bed, 9x 2 bed, 9x 3 bed and 6 x 4 bed homes).
- Works for estate improvements.
- Bring existing under-croft back into use through new security measures for its original purpose for car parking.
- Re-configure existing outdoor areas to be more efficient and enhance existing and create new amenity areas, including children's play area.
- Include design and security measure to reduce or remove anti-social behaviour.
- Provide one hundred per cent affordable housing to be let at fifty per cent London Affordable Rent and fifty per cent Tower Hamlets Living Rent.
- Optimise the use of Council owned land.

The capital project should take 24 months to deliver from inception to completion.

Contracting Approach

The procurement will be through a compliant LBTH DPS. The tender will be issued in accordance with the DPS rules, based on the council's requirements. It is proposed that the JCT Design & Build 2016 Building Contract with amendments will be used for these works.

Community Benefits

The procurement will seek community benefits from the contractor through a requirement for them to submit a social value proposal. Below are the community benefits that will be sought via this tender and the social value weighting will stand at 10% of the overall weighting/award criteria.

Social Value outcomes to be targeted in this contract:

- **Local Recruitment** - New contract related roles that are filled by Tower Hamlets residents. This will include sub-contractors and apprenticeships.
- **Local Intermediate Apprenticeship** - An apprenticeship placement exclusively for Tower Hamlets residents who has started or completed an apprenticeship within the lifetime of the contract. The apprenticeship placement offered must be of NVQ Level 2.
- **Local Advanced Apprenticeship** - A Tower Hamlets resident who has started or completed an apprenticeship within the lifetime of the contract. The apprenticeship placement offered must be of NVQ Level 3.
- **Local Higher Apprenticeship** - A Tower Hamlets resident who has started or completed an apprenticeship within the lifetime of the contract. The apprenticeship placement offered must be of NVQ Level 4.

- **Local Supply Chain** (Contracts let to businesses located within the geographical boundaries of Tower Hamlets for this contract)
- **Laptop & Mouse** - offer of laptops with Windows 10 or above in good operating condition

Contract Ref & Title	Variation to contract P5343 'Parking Management System		
Procurement Category:	Corporate Services	Contract Duration & Extensions:	Currently in year 5 of 7 years, invoking +2 years contract extension.
One-Time / Recurrent	Recurrent	Funding Source:	<input type="checkbox"/> General Fund <input type="checkbox"/> Capital <input type="checkbox"/> HRA <input type="checkbox"/> Grant <input type="checkbox"/> Reserves <input type="checkbox"/> S106 <input checked="" type="checkbox"/> Revenue Generating
Cost Code	CC 23899 (recurring cost code). £77,928 to be recharged to CC 10803 (THH) in 2023/24 and £37,888 in each of the remaining years of the contract.		
Value Total:	£1,200,000	Statutory / Non-Statutory	Statutory
Value Per Annum:	£60k per year (re-occurring cost for current contract) £40k per year (additional re-occurring cost for estate parking functionality)	Budget	£40k per year (additional re-occurring cost for estate parking functionality)
Current annual value	£60k per year (re-occurring cost for current contract) £40k per year (additional re-occurring cost for estate parking functionality)	Revised Annual Contract	£100k per year recurring cost
Savings Annual Value	£100,000 approx. pa for Estate Parking functionality		

Summary of how savings will be achieved

If we are unable to implement the online estate parking functionality, we estimate we would have to employ three additional staff to manage the existing manual permits, once all traffic management orders are in place across the borough, at an estimated total cost of employment of £150,000. We estimate the total income from permit sales and penalty charge notices for estate parking across Tower Hamlets at £1.067m per year, but this would be hard to achieve without automation.

Background

It has been proposed that Tower Hamlet's Homes will purchase and implement new estate parking functionality within the Taranto Parking system already used by LBTH Parking Services. This will enable council tenants and leaseholders to purchase and manage annual parking permits and visitor vouchers online through a new estate parking portal. It will also allow for more effective parking enforcement on estates, as we extend the implementation of Traffic Management Orders across all Tower Hamlets' estates. Implementing this functionality within the existing Taranto system used by Tower Hamlets, rather than purchasing a separate parking system, will provide efficiencies in application support, contract management, and parking enforcement as we move towards a shared service.

Scope of Contract

This five-year contract was agreed by Cabinet on 27-Jun-18, and provided for the purchase, hosting and support of software for managing online applications for parking permits and visitor vouchers, and for parking enforcement. Cabinet approved a variation on 28-Jul-21 to £850,000, allowing for the extension of the contract by two years and the implementation of automatic number-plate recognition (ANPR) and estate parking functionality.

However, the council's requirement for individual numbered bays has increased the cost of the estate parking functionality, and further requirements have been identified by LBTH Parking Services, including replacement and

additional mobile devices and functionality for managing Blue Badges, Electronic Document Interchange (EDI), and PCN File Transfers.

The total cost of these increases the total value of the contract to £1,200,000, an increase of £350,000 over the value of £850,000 following the variation agreed by Cabinet on 28-Jul-21 (this includes recurring costs and one-off implementation payments, as well as variations covering the new estate parking and other new functionality and replacement mobile devices).

The current recovery rates for parking enforcement notices (2023/24 year-to-date) are as follows:

- On street: 70%.
- CCTV: 80%.
- Estates with Traffic Management Orders: 35%.

Social Value

This estate parking functionality is seen as essential for the efficient management and control of estate parking, following the rollout of Traffic Management Orders (TMOs) across all Tower Hamlets estates.

Due to legislative changes, the council is unable to effectively enforce parking control on estates where TMOs are not in operation. This has led to considerable inconvenience to our residents, with an increase in illegal parking, and a reduced ability for our tenants and leaseholders to find convenient parking spaces. This is a source of regular dissatisfaction and complaints from residents about their estate environment.

Illegal parking on our estates has also been linked to increased anti-social behaviour and criminality.

The new functionality is key to making our estates safer and new TMO parking arrangements work to the benefit of all our residents.

When the contract was let, the firm's Social Value offer included the following:

- Funding and attendance at local job fair;
- Endeavouring to recruit locally including possibility of one graduate over the life of the contract and one higher apprentice from year 3 onwards;
- Offering work experience placements, 2 per year in the London Office;
- Mentoring of School or college pupils interested in the industry;
- Work Experience places offered via "Working Start" Programme or other - up to 6 months.

Communities Directorate

Contract Ref & Title	P5918 Liquid (HVO & Diesel) Fuel Supply		
Procurement Category:	Corporate Services	Contract Duration & Extensions:	2 Years
One-Time / Recurrent	Recurrent	Funding Source:	<input type="checkbox"/> Capital <input checked="" type="checkbox"/> On Going <input type="checkbox"/> HRA <input type="checkbox"/> Grant <input checked="" type="checkbox"/> General Fund <input type="checkbox"/> S106 <input type="checkbox"/> Reserves
Value Total:	£3 million		
Value Per Annum:	£1.5m	Statutory / Non-Statutory	Non Statutory
Cost Code	53150/R3001	Budget	£1.518 million
Current annual value	£1.2m per Year	Revised Annual Contract	£1.5 million per Year
Savings Annual Value	Not Applicable		

Summary of how savings will be achieved

Due to the fluctuating nature of fuel prices in the market and varying diesel vehicle usage by different council departments, it is challenging to guarantee cost savings on a fuel contract. However, we will prioritise transparent and competitive procurement practices while focusing on fuel-efficient strategies to manage costs effectively.

Background

The Council needs to renew a two-year contract expiring on 1 April 2024 for the supply of diesel fuel used by front-line Council services. The fuel is bulked at two tanks located at Council's Blackwall and one at Toby Lane Depots.

Scope of Contract

The contract's objective is to secure a reliable supplier for both Diesel Fuel and Hydrotreated Vegetable Oil (HVO) - an eco-friendly alternative to traditional Diesel fuel.

The Council's annual diesel consumption is nearly 900,000 litres, and filling vehicles from Council-owned tanks at Blackwall and Toby Lane depots proves to be the most cost-effective approach. Additionally, bulked fuel availability plays a crucial role in the Council's emergency plan.

For comparison, consumers pay around £1.55 per litre for fuel at the pump, whereas the council pays around £1.23 under the current arrangement. It is anticipated that the council would secure a similar difference in the pricing with this procurement.

The contract value allows for the predominant use of HVO that costs around 10 to 15% more than traditional diesel. However, it offers a significant environmental advantage, delivering about 90% fewer harmful emissions, aligning with the Council's commitment to improve air quality and reduce carbon. The long-term benefits of reduced emissions and improved air quality make the use of HVO a valuable investment for the Council.

HVO usage has already been factored into the current budgets, as there was a plan to start using it in this financial year. However, due to existing contractual terms, implementing HVO is currently not feasible.

Contracting Approach

The contracting approach will involve using established and trustworthy framework, ensuring compliance with the Council's Procurement Procedures and The Public Contracts Regulations 2015 (amended by the EU Exit Regulations 2020). The reasoning is that Fuel is a commodity, most of the opportunity for ensuring value comes from the ability to make purchases in bulk. Organisations such as the Crown Commercial Services can secure supplies in greater quantities than an individual authority and also secure better prices through having greater leverage.

Community Benefits

As part of this procurement, a Social Value requirement will be included. Social Value will comprise 10% of the evaluation criteria under this procurement. Social Value benefits may include using greener methods for bulked delivery vehicles. The social value will be considered in the evaluation criteria for the overall tender as per the Council's procurement procedures. Bidders will be required to offer social value and community benefits based on a pre-populated matrix agreed upon by the service and procurement before the competition is issued.

Contract Ref & Title	HAC5915 Independent Domestic Violence Advocacy Service		
Procurement Category:	Health & Care	Contract Duration & Extensions:	2 + 1 year
One-Time / Recurrent	Recurrent	Funding Source:	<input checked="" type="checkbox"/> General Fund <input type="checkbox"/> Capital <input type="checkbox"/> HRA <input type="checkbox"/> Grant <input type="checkbox"/> Reserves <input type="checkbox"/> S106 <input type="checkbox"/> Revenue Generating
Cost Code	R5602.21007.A1800		
Value Total:	£1,425,000	Statutory / Non-Statutory	Non Statutory
Value Per Annum:	£475,000 per annum	Budget	£475,000 per annum
Current annual value	£475,000 per annum	Revised Annual Contract	£475,000 per annum
Savings Annual Value	Not Applicable		

Summary of how savings will be achieved

Funding needed to be increased to meet demand due to increased levels of domestic abuse and domestic homicides locally and nationally. Ensuring support for victims of domestic abuse is a mayoral priority. A service for three years is based on the years that we have confirmed funding for this service. The contract price is therefore expected to be fixed for the 3year duration.

Background

Tower Hamlets has one of the highest levels of domestic abuse and domestic homicides in London. This is due to multiple factors such as being an inner-city borough and one of the most deprived boroughs in London. A VAWG Needs Assessment is being undertaken and inform the boroughs fourth VAWG Strategy in April 2024 which will explore further service enhancements which can be made. The Council has always committed to ensuring support and protection for victims of Violence against women and girls/domestic abuse. This provision started around 20 years ago and has been awarded to multiple providers over the years through competitive tender processes and provides emotional and practical support, safety planning for victims and is the only front-line service provision for victims in the borough.

In the rolling 12 months from June 2022-23, 4419 domestic abuse offences were reported to the Police and 1078 sexual offences. Tower Hamlets numbers of reports mirror other similar boroughs such as Newham, Croydon, Greenwich and Lewisham. The types of reports of domestic abuse mirror the national picture and often are either or a combination of physical, sexual, emotional and economic abuse. Due to the high levels of domestic abuse, an increased provision is required to mitigate against. This includes targeted provision to cater for the ethnicity of victims. Benchmarking exercise conducted in 2019 found that boroughs with higher levels of IDVA's had less domestic homicides. Tower Hamlets has one of the highest levels of domestic homicide in London and this contract will enable us to match other boroughs level of funding for IDVAs.

How the community will be reached and ensure people know about the service:

Tower Hamlets has a simple single referral pathway for any victim who can call or be signposted to the provider where risk assessments are undertaken, advocacy with criminal justice agencies such as the Police and Courts, support navigating pathways with Housing, health and social care teams.

This service cannot be delivered in-house due to the specialist knowledge required which requires accreditation. The service also needs to be independent so that advocates can challenge and hold services to account, putting the victim at the centre of the work.

Scope of Contract

Mayoral priorities, the Domestic Abuse Act and safeguarding policies all commit to ensuring support for victims. Furthermore the Councils Strategic Plan committed to the outcome of making “people feel safer in their neighbourhoods and anti-social behaviour is tackled”. The boroughs third “Violence Against Women and Girls Strategy 2019-2024” was published in 2019 and within the Strategy we committed to review our current service model for victims. Findings from this, national reviews and Domestic Homicide Reviews were to increase service provision due to high levels of domestic abuse in the borough, demand for support and to increase safeguarding for this vulnerable group.

The contract requires a supplier to provide a service that ensures emotional and practical support for victims of domestic abuse during Monday-Friday 9am-5pm, excluding bank holidays. This includes undertaking risk assessments, safety planning, signposting to other specialist services, advocacy with organisations, advice and information, supporting with applications with any legal orders, accompanying to any required appointments such as Police stations, Court, Homeless Service etc.

The contract length aligns with the funding available and provides stability for the service and victims who will utilise the service. It also enables the Council to measure outcomes over a period of time and allow the service to adapt to meet the needs of the community. This will help inform future VAWG Strategy developments.

VAWG specialist organisations will be encouraged to apply as individuals or as a collaboration of VAWG specialists. The organisations will be required to demonstrate how they will reach out to the community and ensure people know about our services and the Council Communications Team and VAWG Team will continue with ongoing promotion, awareness and outreach to promote the services. We have partnership working arrangements/representation from statutory and voluntary sector organisations with a focus on womens organisations such as Maryam Centre, Women’s Integration Team, Beyond the Streets, Faith Regen Foundation, Women’s Health and Family Service, Account 3, Nour amongst many others.

Contracting Approach

It is anticipated that the new arrangements shall commence in April 2024. The contracting approach will be finalised after completing the pre-sourcing activities which will include the analysis of the business need, market analysis / market engagement and development of the sourcing strategy. The provider market is specialised and it is envisaged that the procurement route will be an open process which will be compliant with the Council’s Procurement Procedures and The Public Contracts Regulations 2015 (as amended by the EU Exit Regulations 2020).

Performance of the Current Contract

Solace are the current providers and outcomes-based accountability KPIs have been reported monthly for the entire length of the 4year contract.

Referrals per year were:

22/23 1643

21/22 1586

20/21 473 (Lower numbers than the other years as the service was only in place for one quarter, Q4). (Long term) supported victims per year, this does not include one-off advice/advice to professionals:

22/23 723

21/22 702

20/21 148

Outcomes measured included:

- Positive Housing Outcome
- Civil Law Support
- Criminal Justice system support
- Health Outcomes
- Immigration Status Change/application
- Positive impact on support networks
- Improvement in Coping strategies
- Improvement or assistance in financial needs
- Survivors report feeling safer, confident and listened to

We require monthly reporting on many key KPIs and services provided, main ones are outlined below. The delivery is on target where 90% were satisfied with support received above the target set. As with all boroughs, it is impossible that any service will be able to deliver 100% reports of survivors feeling safety due to multiple factors survivors are faced with, such as victims remaining with the perpetrator, remaining within the same area that the perpetrator or their friends/family lives, mistrust of the police or criminal justice system, low sanction detection and prosecution rates or the trauma and ill mental health they are left with due to the abuse.

- 82% Survivors reporting feeling safer after engaging with Solace.
- 90% felt satisfied with the service they received from Solace.
- 82% feel more confident after engaging with Solace.
- 87% feel listened to by Solace.
- 51% Positive Housing Outcome; Housing outcomes include accessing crisis accommodation, finding suitable social or other housing options , the perpetrator being removed from the survivor property and Sanctuary.
- 51% Civil Law Support - includes informing of options, supporting with obtaining injunctions, supporting to obtain legal aid, supporting/providing information on family law proceedings.
- 28% Criminal Justice system support; Criminal justice system support includes information/ support regarding criminal justice proceedings, advising on the criminal justice process, support reporting to the police or support with gathering evidence.
- 60% Health Outcomes; Health outcomes can include support with mental health, physical health and maternity/ pregnancy health amongst others.
- 13% Immigration Status Change/application; this includes advice on options, linking in with appropriate service, support with DDVC application, or support regularising status.
- 30% Positive impact on support networks; Including improved relationships with friends and family, support to access support networks and support in accessing cultural/ leisure activities.
- 11% Improvement in Coping strategies; This also includes reduction in symptoms of trauma and anxiety.

33% Improvement or assistance in financial needs; Includes support and advice on options around debt, benefits, managing finances and accessing support or material aid and ETE outcomes.

Issues with Current Contract Performance

Obtaining feedback from service users once they have left the service and recruitment within the sector has proven to be a challenge. The Council intends to address this through engagement with the sector and ensure that providers can address this in their tender submissions.

Service Users

Data from the current contract suggests that service users are:

- Mainly Tower Hamlets Homes tenants
- Age range predominantly 31-40 year olds
- Sex: ranges from 88 % - 97% women
- Ethnicity majority: 39% - 46% Bangladesh
- Religion majority: 43% - 58% Muslim
- Sexuality: 82% - 92% heterosexual.
- Majority have no disability 66% - 74%
- 25% on average require an interpreter

The service user profile is similar to borough demographics i.e. we have one of the largest Muslim and Bangladeshi communities in England which reflects this. This mirrors the pattern in other areas. To cater for our borough demographics, adaptations have been made to ensure appropriate support i.e. targeted support to meet demand i.e. Sylheti speaking caseworkers, work with muslim communities and organisations and ensuring women's groups and organisations.


Community Benefits

Social Value will have a 10% overall weighting within the tender evaluation process. The requirements will be developed and defined during the preparation of the tender pack. This will include consideration of Social Value benefits that can reasonably be delivered within the proposed contract.

London Borough of Tower Hamlets
Procurement Cabinet Forward Plan 2023-2028
Recurring contracts over £1,000,000

Contract Ref	Title	Contract Start Date	Contract Expiry Date	Cont. Duration (M)	Total value	Division	Remarks
DR5116	Cleaning and Associated Services	03/07/17	02/07/23	183	£7,261,986.00	PL	Awaiting decision
HAC5306A	Nicotine Replacement Therapy Products	08/07/19	07/07/23	122	£6,000,000.00	HAC	Replacement contract awarded
AHS5145	Tower Hamlets Campbell Road Young People's Support Service	01/11/17	31/07/23	175	£1,771,895.00	CS	In Procurement
AHS5146	Mile End Road Young Persons Support Service	01/09/17	31/07/23	180	£2,004,715.00	CS	In Procurement
CS5273	Young People's Assessment & Support Service	01/04/18	31/07/23	162	£1,202,812.25	CS	Awaiting information on future arrangement for delivering the service.
AHS5144	Supported accommodation for adults with learning disability - Old Ford Road and Vulcan Square	01/07/18	31/08/23	157	£1,699,049.02	HAC	First tender was unsuccessful. A second tender exercise has now been launched which has just close. Currently tenders are being evaluated.
AHS5128	Hostel: Dellow Supported Housing Accommodation for Vulnerable single adults	01/08/17	30/09/23	188	£2,320,683.60	HAC	Service to be recommissioned.
HAC5360	Hostel: Hoptown supported Housing Accommodation	01/06/18	30/09/23	162	£4,123,541.95	HAC	Awaiting Service decision
HAC5314/5	Employment Support Services (Lot A and Lot B)	01/10/18	30/09/23	152	£1,737,500.00	HAC	Included in Q3 Contracts Forward Plan
HAC5314	Employment Support Services (Lot A and Lot B)	01/10/18	30/09/23	152	£1,147,208.00	HAC	Included in Q3 Contracts Forward Plan
HAC5326	Riverside House hostel	01/02/18	30/09/23	172	£2,935,472.10	HAC	Awaiting information on future arrangement for delivering the service.
H3948	Concierge and Related Security Services	03/10/13	02/10/23	304	£3,000,000.00	THH	Cabinet approval provided in last Q4 forward plan. Procurement
AHS5189	Extra Care Sheltered Housing	06/11/17	05/11/23	183	£11,910,708.35	HAC	Awaiting information on future arrangement for delivering the service.
CS5386	Short Breaks: Holiday, Weekend and After School Short Breaks	01/04/19	30/11/23	142	£1,056,000.00	CS	Procurement in progress
HAC5321	Hotel in the Park (Residential Respite for Adults with Learning Disability)	03/12/18	02/12/23	152	£29,011,114.38	HAC	Included in Q4 Contracts Forward Plan
HAC5312	Antill Road (High/Complex needs) learning disabilities day services	01/08/18	31/12/23	165	£1,849,753.00	HAC	Included in Q4 Contracts Forward Plan
R5345	Enforcement Agents for collection of Council Tax, Non Domestic Rates and Sundry Debts	06/01/20	05/01/24	122	£1,400,000.00	RE	To be presented in subsequent forward plans
AHS5037	Independent Living Community Support (ILCS)	18/07/17	31/03/24	204	£2,749,106.00	HAC	Extension granted at Q3 till March 2024
HAC5252	Teresa House and Hamlets Way	01/04/18	31/03/24	183	£2,864,925.00	HAC	Extended till 31.03.24
R567	Energy Supply	01/04/21	31/03/24	91	£19,000,000.00	RE	Future arrangements via Energy Framework
CS580	Supply of Fresh and Frozen Meat via PAL	03/08/20	31/03/24	111	£3,525,160.00	CS	To be presented in subsequent forward plans
HAC5020	Direct Payment Support Service	01/04/19	31/03/24	152	£1,612,800.00	HAC	Awaiting information on future arrangement for delivering the service.
HAC5356	0-5 Specialist Community Public Health Nursing	01/04/19	31/03/24	152	£35,250,000.00	HAC	Awaiting information on future arrangement for delivering the service.
HAC5265	Public Health Pharmacy Services	01/04/18	31/03/24	183	£2,775,000.00	HAC	Awaiting information on future arrangement for delivering the service.
HAC5303	Carers Link Service	01/12/18	31/03/24	162	£3,238,594.00	HAC	Included in Q4 Contracts Forward Plan
HAC5382	Mental Health Recovery College	01/07/19	30/06/24	152	£1,133,980.00	HAC	Awaiting information on future arrangement for delivering the service.
HAC5224	School Health and Wellbeing	01/08/18	31/07/24	183	£8,198,800.00	HAC	Extension granted at Q4 Forward plan
HAC5382.1	Mental Health Mental Health and Wellbeing (LOT A, B, C)	24/08/19	23/08/24	152	£5,916,145.00	HAC	Awaiting information on future arrangement for delivering the service.
R5342	R5342 Lot 2: Multifunctional Devices and Print Management Software and Services	03/12/18	29/08/24	175	£1,364,035.00	RE	Awaiting information on future arrangement for delivering the service.
THH5071	Major Internal and External Works	11/03/19	13/11/24	173	£118,000,000.00	THH	
THH5073	Better Neighbourhoods Consultancy Services Framework Agreement	14/11/20	13/11/24	122	£7,000,000.00	THH	
HAC5393B	Tier 2 Weight Management Services (Dynamic Purchasing System)	15/01/20	14/01/25	152	£1,470,000.00	HAC	
R5695	Agency Recruitment	05/02/21	04/02/25	122	£120,000,000.00	RE	
HAC5722	Hackney Road Hostel Project	01/04/21	31/03/25	122	£2,063,000.00	HAC	
P5606	Further Competition Vehicle Maintenance Contract	01/04/20	31/03/25	152	£4,940,207.00	PL	
HAC5310	Learning Disability Residential Care and Supported Accommodation Framework	01/04/21	31/03/25	122	£8,000,000.00	HAC	
HAC5753	HAC5753 Tower Hamlets Floating Support	01/04/22	31/03/25	91	£1,250,000.00	HAC	
R(TP)7	Barkantine Heat and Power Co LTD	23/03/16	31/03/25	275	£2,000,000.00	THH	
R5826	NEC Housing & Benefits Application Support/Maintenance & Hosting	01/04/22	31/03/25	91	£1,242,812.00	RE	
CLC5135	Removal of Nuisance Vehicles and Parking Enforcement Services	01/05/18	30/04/25	213	£6,550,000.00	THH	
HAC5609	Mental Health Supported Living Services (Heather Lodge and Glaucus Street)	01/06/20	31/05/25	152	£1,681,925.00	HAC	
R5721	Remote Processing Service	29/08/21	29/08/25	122	£16,000,000.00	RE	
CC5788	Supply of Frozen Food & Groceries	13/12/21	31/08/25	113	£8,827,767.82	CS	
P5612	Mechanical Capital Works Framework	13/09/21	12/09/25	122	£10,000,000.00	PL	
HAC5313A	Learning Disability Day Opportunity Framework	11/10/21	10/10/25	122	£15,100,000.00	HAC	
HAC5253	North East London Integrated Sexual Health Service	01/12/17	30/11/25	243	£40,000,000.00	HAC	
R5660A	Help Desk Services	01/02/21	31/01/26	152	£1,400,000.00	RE	
R5834	Microsoft Licences for Applications and Servers	01/04/23	31/03/26	91	£4,748,000.00	RE	New Contract Awarded
P5670	Resource Centre for Rough Sleepers	01/04/21	31/03/26	152	£1,175,000.00	PL	

R5660B	Network Services	01/04/21	31/03/26	152	£1,925,944.00	RE
CS5637.1	Overnight and related short breaks two lots - children and young people with autistic	01/04/21	31/03/26	152	£5,300,000.00	CS
P5719	Enhanced Rough Sleeping Outreach Service (EROS)	05/05/21	04/05/26	152	£8,000,000.00	PL
CS5376	Education Support Workers Supply - Dynamic Purchasing System	15/05/19	14/05/26	213	£17,000,000.00	CS
HAC5621	Integrated Information, Advice and General Advocacy Service	01/07/21	30/06/26	152	£3,360,000.00	HAC
HAC5720	Integrated Statutory Advocacy Services (IMCA, CAA)	19/07/21	18/07/26	152	£1,060,000.00	HAC
CS5678B-1a	Youth Activity Hub (Lot 1a North East Quadrant)	01/09/21	31/08/26	152	£1,035,000.00	CS
HAC5384	Adult Drug and Alcohol Services (RESET)	28/10/19	23/10/26	213	£28,989,882.00	HAC
P5718	Arboriculture Services Contract	01/11/21	31/10/26	152	£1,250,000.00	PL

<p>Cabinet</p> <p>25 October 2023</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Stephen Halsey, Chief Executive</p>	<p>Classification: Unrestricted</p>
<p>Action Plan Response to Health and Adults Scrutiny Sub-Committee Review and Recommendations Report on ‘Workforce Shortages Across The Health and Care Sector’</p>	

Lead Member	Councillor Gulam Kibria Choudhury, Cabinet Member for Health, Wellbeing and Social Care
Originating Officer(s)	Afazul Hoque, Head of Service, Corporate Strategy and Communities Filuck Miah, Senior Strategy and Policy Officer, Corporate Strategy and Communities
Wards affected	All wards
Key Decision?	No
Reason for Key Decision	Significant impact on wards
Forward Plan Notice Published	29/09/23
Strategic Plan Priority / Outcome	1. Investing in public services

Executive Summary

This report presents the service action plan response from the Northeast London Integrated Care Board (NEL ICB) and the Council on the Health and Adults Scrutiny Sub-Committee (HASSC) review report regarding 'Workforce Shortages Across The Health and Care Sector' in Northeast London.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Agree the council’s action plan response on the HASSC scrutiny review report recommendation on ‘Workforce Shortages Across the Health and Care Sector.
2. Note the action plan response on the HASSC scrutiny review report recommendation on ‘Workforce Shortages Across the Health and Care

Sector provided by the executive and Northeast London Integrated Care Board (NEL ICB) to the report recommendations.

1 REASONS FOR THE DECISIONS

- 1.1 The Council's constitution requires the executive to respond to the recommendations of the Health and Adults Scrutiny Sub-Committees.
- 1.2 The attached action plan report represents the executive's and NEL ICB's joint response to the HASSC recommendations concerning workforce shortages in the health and care sector.

2 ALTERNATIVE OPTIONS

- 2.1 Taking no action is not advisable since the HASSC scrutiny review provides evidence of the impact of workforce shortages on various health-related areas. Both the council and NEL ICB should take action and recognise the crucial role the health and care sector plays in maintaining the population's health and well-being.

3 DETAILS OF THE REPORT

- 3.1 Healthcare is of strategic importance and is among the UK's largest employers, offering over 300 different job roles. This sector encompasses positions within both the NHS and local authorities, including clinical and non-clinical roles, constituting 11% of London's workforce. It also encompasses adult social care within local authorities.
- 3.2 The sector faces growing demand, necessitating significant recruitment efforts due to an aging workforce and various skill shortages. The NHS has one of the most ethnically diverse workforces in the public sector.
- 3.3 The Health and Adults Scrutiny Sub-Committee conducted a review over three sessions (between October 18, 2022, and February 27, 2023), to understand workforce shortages in the health and care sector in the borough and Cllr Ahmodur Khan chaired this review.
- 3.4 The scrutiny review report sets out the scope and methodology, presenting key findings based on evidence gathered during the sessions.
- 3.5 The review was centred on understanding:
 - Barriers for residents applying for Health and Care roles in Tower Hamlets.
 - Challenges faced by the sector in recruitment and retention.
 - Approaches to career progression and sustainability.
- 3.6 HASSC heard testimony from various external witnesses, experts, and health and care officers, including:
 - Cabinet Member Health, Wellbeing and Social Care

- HASSC Members
- Chief People and Culture Officer, NHS Northeast London
- CEO East London Foundation Trust
- Director of Strategy and Integration, BARTS NHS
- Director of HR Research and Consulting, Institute for Employment Studies
- Head of School, London Metropolitan University
- Deputy Vice Principal (Health), Queen Mary University of London
- Principal, New City College
- President of the BARTS and London Student Association
- Head of Primary Care, Tower Hamlets
- GP and Clinical Director Tower Hamlets Together (Place Based Partnership)
- Council officers

3.7 The scrutiny report makes nine recommendations to address the workforce shortages across the health and care sector. The appended action plan seeks to provide a response to these recommendations. These recommendations are categorised under key findings, detailed in the full HASSC scrutiny review report found in Appendix 2.

3.8 Subsequent to the scrutiny review, an action plan was developed based on the recommendations, as outlined in Appendix 1. Eight recommendations received a response from NEL ICB and will involve the council's contribution via the Tower Hamlets Together operations. The action plan also seeks to provide a response to HASSC's recommendation six that focuses on making Tower Hamlets a more attractive borough for medical and care professionals on key areas including housing, council tax and parking.

3.9 The governance of NEL ICB service actions plan response will be overseen by the NEL People Board.

4 EQUALITIES IMPLICATIONS

4.1 The action plan seeks to ensure that there is a diverse and inclusive workforce for the health and care sector and that efforts will be made to meet its public sector equality duty on protected characteristic groups. This should support the creation of a workforce that reflects the diversity of the community it serves.

4.2 Tower Hamlets, like many areas, may have health inequalities based on socioeconomic status and ethnicity. Addressing workforce shortages can help reduce these inequalities by ensuring that healthcare services are accessible to all residents, particularly those in underserved communities.

4.3 The health and care sector often has a gender imbalance, with more women in certain roles and more men in others. Addressing workforce shortages should be an opportunity to challenge stereotypes and promote gender

equality within the sector. The action plan also seeks to ensure that the workforce includes individuals from different age groups can help in meeting the diverse and demand needs of the local but growing population. Recognising that individuals may belong to multiple disadvantaged groups (e.g., a disabled person from an ethnic minority background) is crucial. The Action Plan delivery will need to factor and address these intersectional challenges.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.

5.2 No other statutory implications have been identified.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 Resources required to deliver the action plan will need to be met from existing budgets. Should additional funding be required in future, this will have to go through the appropriate governance processes for consideration.

7 COMMENTS OF LEGAL SERVICES

- 7.1 This is a report seeking agreement to the proposed action plan. There are no direct legal implications arising from this report however, legal implications (in particular equality considerations) will need to be considered in particular with respect to recruitment proposals and/or proposals for any changes to the existing workforce
- 7.2 When carrying out its functions the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty).

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 Service Action Plan
- Appendix 2: HASSC Scrutiny Review Report on Workforce Shortages across the Health and Care Sector”.

Officer contact details for documents:

N/A

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Workforce Shortages Across the Health and Social Care Sector Action Plan

Recommendation 1

The Integrated Care Board (ICB) is recommended to collaborate with Tower Hamlets Together (THT) Board to develop robust and dynamic workforce intelligence for the health and care sector.

Comments from Service:

Action	Owner(s)	Completion date
Stage 1: To develop a core data set and reporting template from existing available data sets (NHSE and Skills for Care) across health and care for discussion.	Francesca Okosi – Chief People and Culture Officer	Stage 1: Q4 2023-24 Stage 2: TBC
Stage 2: To develop a system-wide high-level data set to be provided at Place level. This piece of work is to be part of an agreed uniform approach by all partners within Northeast London (NEL) and will be led from Q3 in 2023-24 by the newly created role of Head of ICS Workforce Planning and Systems following our ICB internal restructure	Head of ICS Workforce Planning and Systems	TBC

Recommendation 2

The ICB is recommended to collaborate with the THT Board (System) and the local authority's Health and Wellbeing Board (Place), to undertake investment in developing shared communications and ongoing engagement with the borough's residents.

Comments from Service:

Action	Owner(s)	Completion date
As part of our ongoing careers ambassador programme across the ICS hosted by Care City to link in and also promote Tower Hamlets' engagement and to support local activity	Francesca Okosi – Chief People and Culture Officer	Ongoing

WFS Action Plan

<p>Recommendation 3</p> <p>The ICB and LBTH is recommended to incorporate integration when planning, developing and implementing its health and care workforce strategy such as service, financial and workforce plans.</p>		
<p>Comments from Service:</p>		
Action	Owner(s)	Completion date
ICB to ensure place representation in developing our integrated workforce strategy and forward plan.	Francesca Okosi -Chief People and Culture Officer	Q2 and Q3 2023-24
For overall planning ICB developing with all partners an approach to the planning cycle with an initial workshop in July to start to co-design the process.	Joanna Moss, Chief Strategy and Transformation Officer	Q4 2023-24
<p>Recommendation 4</p> <p>The ICB and THT Board to partner with the borough's wider Health and Care employer stakeholders to review and co-design job roles required to support the demand for health and care services.</p>		
<p>Comments from Service:</p>		
Action	Owner(s)	Completion date
The ICB to share good practice in this area. THT to determine the co-design process and agree this as part of service development and specifications	TBC	Ongoing
<p>Recommendation 5</p> <p>The ICB and THT Board is recommended to partner up with LBTH's Education and Careers Service, Adult Social Care service, Primary Care commissioning and BARTS NHS to develop experiential learning opportunities for young people in secondary education.</p>		
<p>Comments from Service:</p>		
Action	Owner(s)	Completion date

WFS Action Plan

<p>The ICB to foster support for this initiative by engaging with Barts Health to access existing programmes and work with the Tower Hamlets training hub to develop the offer in Primary Care.</p> <p>To feed in and make connections across NEL through the Building and Accessing Careers Group to share and implement good practice and where appropriate partner up.</p>	<p>Francesca Okosi – Chief People and Culture Officer</p>	<p>Ongoing</p>
<p>Recommendation 6</p> <p>London Borough of Tower Hamlets (LBTH) is recommended to incentivise key worker accommodation status, council tax reductions and parking provision for health and care professionals.</p>		
<p>Comments from Service:</p> <p>The council has carried out policies to support individuals and families, especially those with lower income, and protect them from the cost-of-living crisis. These policies can benefit those in need, including key workers – for example, our social housing Allocations Scheme includes the provision to prioritise key workers and a small number of cases are accepted each year. The council has also identified strategic priorities in the strategic plan to prioritise our focus and resources for residents.</p> <p>Housing - Our strategic priorities are to work with developers and builders to deliver a minimum of 1,000 homes per year, tackle overcrowding, homelessness and rough sleeping among other critical housing priorities. We will encourage RPs and developers to promote Intermediate Housing products targeting and encouraging key workers to utilise this route to affordable home ownership.</p> <p>Council tax - As the Strategic Plan envisages, the council has frozen council tax for 2023-24 and we have one of the lowest rates in London. The council also plan to continue to operate a 100% council tax support scheme. Any qualifying low-income households already receive assistance from the council’s council tax reduction scheme. We will ensure that the information on the council tax support scheme is widely available.</p> <p>Parking - The council will be refreshing its existing parking enforcement plan in the next 12-18 months. As part of this work, it could be possible to consider how the council can support key workers who need to use their vehicles for work. However, that would need careful consideration, especially when there is severe parking stress in the borough (an average resident bays to permit ratio - 0.99) and poor air quality is a serious public health emergency.</p>		
Action	Owner(s)	Completion date

WFS Action Plan

Encourage developers and RPs to promote more widely any intermediate housing schemes among key workers (through discussion and meetings held with developers and RPs).	Rupert Brandon	March 2024
Ensure that information related to the council's Council Tax Reduction Scheme is updated and widely available to all residents, including those key workers who may be on low incomes	Chris Boylett	March 2024
Consider the feasibility of introducing reduced parking fees for health and care professionals as part of the parking enforcement plan, including benchmarking other local authority's approach.	Michael Darby	March 2024
Not applicable for the ICB but would want to support and share the development of incentives to other places across the ICB		
<p>Recommendation 7</p> <p>The ICB is recommended to work with the local Higher Education Institutions and develop grant top-up funding streams that can support medical students in the last two years of their study.</p>		
Comments from Service:		
Action	Owner(s)	Completion date
The ICB to broker a conversation between Barts Health and Queen Mary University London to explore options	Francesca Okosi – Chief People and Culture Officer	Q3 2023-24
<p>Recommendation 8</p> <p>The ICB is recommended to collaborate with local FE and HE education institutions with a view to supporting investment for piloting Degree Apprenticeships, and T- level placements to help increase much needed capacity.</p>		
Comments from Service:		
Action	Owner(s)	Completion date
The ICB has won a bid with the Department of Education hosted by Barking Havering and Redbridge to employ a T Level co-ordinator for 22 months that will support Education and employers to increase capacity and develop any	Francesca Okosi – Chief People and Culture Officer	Q2 -2024-25 to increase placements

WFS Action Plan

<p>investment requirements to meet placement capacity across health and social care employers.</p> <p>For degree apprentices to build on existing progress identifying barriers and local solutions to support degree take up through direct entry courses and employer-led apprentice schemes</p>		
<p>Recommendation 9</p> <p>The ICB and LBTH is recommended to draw on international recruitment options to meet the immediate shortfall for health and care demand whilst developing its growth model from local labour for future demand.</p>		
<p>Comments from Service:</p>		
Action	Owner(s)	Completion date
ICB to link into existing programmes from Capital Nurse and Social Care to share learning	Francesca Okosi – Chief People and Culture Officer	TBC

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Health and Adults Scrutiny Sub-Committee Scrutiny Review Report

Workforce Shortages Across the Health and Care Sector

11/05/23

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Chairs Foreword

I am pleased to present this scrutiny review report which examines the workforce shortages across the health and care sector in Tower Hamlets.

The Health and social care sector plays a significant role and is of strategic importance to the boroughs socio-economic needs. We know that in health and care is one of the largest public sector employers in the UK covering roles right across the NHS and local authorities. In London the health sector represents 11% of London's total workforce whilst the for the local authorities in London this figure equates 14% of the adult social care roles in England¹.

The health and care landscape also features (particularly front-line roles) one of the most ethnically diverse workforce in the public sector. The sector has suffered from a chronic workforce shortages for a significant period of time and continues to have a large recruitment need which includes replacing an ageing workforce and a range of skills shortage vacancies. The impact of austerity, Brexit, Covid-19 pandemic and now the cost of living is creating a huge challenges on the sector.

Staffing shortages puts additional pressure on existing employees and can affect the quality of care provided. There is also the risk of burnout as a result of the growing demand and pressure. Factors such the long hours, extensive workloads and emotional demands of the roles that can take its toll on staffs physical and mental health. We also have an ageing workforce across this sector and Tower Hamlets also had the biggest population increase² in the country with the number of residents increase by 22%. Whilst Tower Hamlets has a relatively young borough population It does also have a certain segment population ageing and living longer, some of whom have complex health issues and require specialist support that places significant demand on services.

This report heard evidence from a range of health and care stakeholders, including anchor institutions such QMUL, London Met university and New City College. It also called upon witnesses including representatives of the newly formed Integrated Care Board, BARTS NHS, Primary Care and Adult Social Care. Our Sub-Committee heard lived experience accounts from students studying medicine to those in further education studying health and social care courses to provide their views. We also called upon evidence from expert witnesses such as the Institute of Employment Studies.

Our Sub-Committee has made nine recommendations and hopes that the Mayor and Cabinet and our ICB partners take these forward and work with the Sub-Committee and others to ensure that we have a robust approach for recruiting and retention for the sector, one in which is able to anticipate and manage the growing demand but also remain agile to future needs.

Finally, I would like to thank all the members, officers and external partners and witnesses who attended and supported the scrutiny review, provided valuable insights, and shaped the recommendations of this report.



Cllr Ahmodur Khan
Chair of Health and Adults Scrutiny Sub-Committee

¹ [The adult social care workforce in London \(health.org.uk\)](https://www.health.org.uk/news/articles-and-opinions/the-adult-social-care-workforce-in-london)

² [Tower Hamlets has biggest population increase in the country](https://www.towerhamlets.gov.uk/news/2022/04/2022-population-increase)

Summary of Recommendations

Collaborative Approach

Recommendation 1:

The Integrated Care Board (ICB) is recommended to collaborate with Tower Hamlets Together (THT) Board to develop robust and dynamic workforce intelligence for the health and care sector.

Recommendation 2:

The ICB is recommended to collaborate with the THT Board (System) and the local authority's Health and Wellbeing Board (Place), to undertake investment in developing shared communications and ongoing engagement with the borough's residents.

Planning in Design

Recommendation 3:

The ICB and LBTH is recommended to incorporate integration when planning, developing and implementing its health and care workforce strategy such as service, financial and workforce plans.

Recommendation 4:

The ICB and THT Board to partner with the borough's wider Health and Care employer stakeholders to review and co-design job roles required to support the demand for health and care services.

Recommendation 5:

The ICB and THT Board is recommended to partner up with LBTH's Education and Careers Service, Adult Social Care service, Primary Care commissioning and BARTS NHS to develop experiential learning opportunities for young people in secondary education.

Cost of Living Impact

Recommendation 6:

London Borough of Tower Hamlets (LBTH) is recommended to incentivise key worker accommodation status, council tax reductions and parking provision for health and care professionals.

Recommendation 7:

The ICB is recommended to work with the local Higher Education Institutions and develop grant top up funding streams that can support medicine students in the last two year of their study.

Developing Capacity

Recommendation 8:

The ICB is recommended to collaborate with local FE and HE education institutions with a view to supporting investment for piloting Degree Apprenticeships, and T- level placements to help increase much needed capacity.

Recommendation 9:

The ICB and LBTH is recommended to draw on international recruitment options to meet the immediate shortfall for health and care demand whilst developing its growth model from local labour for future demand.

Reason for Enquiry

- 1.1. The Health and Adults Scrutiny Sub-Committee (HASSC) recognised that both national and regional intelligence strongly indicated that there is a chronic shortage of workforce across the health and care sector and the implication that this could bring for the health of the borough's population.
- 1.2. The Health Foundation³ indicates that 133,400 full time equivalent employment vacancies are unfilled across NHS Trusts in England. There was a similar picture for workforce attrition in social care, pertaining to factors such as the challenge of the Covid-19 pandemic, a drop in immigration numbers from Europe following Brexit, the cost-of-living challenge with added burden of food and energy inflationary pressures and social care being overtaken by other low paid sectors such as retail and widening gap in remuneration for equivalent nursing roles, between social care and nursing.
- 1.3. HASSC also wanted to examine the assumption that the key drivers for increased recruitment was as result of an ageing population and that many more people experiencing multiple long-term conditions. HASSC was concerned that there was no clear national workforce strategy for the sector and the implications this would bring in attempting to deliver governments⁴ health and care reforms. Finally, HASSC wanted to understand the key issues on recruitment and retention for health and care workforce in Tower Hamlets.

Methodology

- 1.4. This Scrutiny Review was chaired by Cllr Ahmodur Khan, Chair of Health and Adults Scrutiny Sub-Committee and was delivered over three sessions taking place on:
 - 18th October 2022
 - 06th December 2022
 - 27th February 2023
- 1.5. The scope of the scrutiny review sets out the following questions:
 - What are the key barriers for residents applying for Health and Care roles in Tower Hamlets?
 - What are challenges faced by the sector with recruitment and retention?
 - What is the approach to career progression and sustainability?

1.6. Members in Attendance

Councillor Ahmodur Khan	Chair of Health and Adults Scrutiny Sub-Committee and OSC Member
Councillor Gulam Kibria Choudhury	Cabinet Member for Health, Wellbeing and Social Care
Councillor Ahmodul Kabir	Vice Chair of HASSC
Councillor Maisha Begum	Member
Councillor Kamrul Hussain	Member
Councillor Mohammed Chowdhury	Member
Councillor Asma Islam	Member

³ [NHS vacancy rates point to deepening workforce crisis \(health.org.uk\)](https://www.health.org.uk/news/articles-and-opinions/nhs-vacancy-rates-point-to-deepening-workforce-crisis)

⁴ [Build Back Better: Our Plan for Health and Social Care - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/build-back-better-our-plan-for-health-and-social-care)

Councillor Abdul Malik	Member
David Burbidge	Healthwatch Co-opted Member
Matthew Adrien	Healthwatch Co-opted Member

Evidence from Witnesses

Francesca Okosi	Chief People and Culture Officer, NHS North East London
Susan Nwanze	Interim Deputy Director of HR, NHS North East London
Richard Fradgley	CEO East London Foundation Trust
Fiona Peskett	Director of Strategy and Integration, BARTS NHS
Dan Lucy	Director of HR Research and Consulting, Institute for Employment Studies
Chris Lane	Head of School, London Metropolitan University
Professor Joanne Martin	Deputy Vice Principal (Health), Queen Mary University of London
Alison Arnaud	Principal, New City College
Victoria Corcoran	Deputy Group Curriculum Director Health, Social Care / Sciences & Early Years
Charlie Sellar	President of the BARTS and London Student Association
Saima Begum	Health and Social Work Student
Jo-Ann Sheldon	Head of Primary Care, Tower Hamlets
Dr Khyati Bakhai	GP partner Bromley By Bow Health and Primary Care Development Lead for Tower Hamlets
Dr Roberto Tamsangan	GP and Clinical Director Tower Hamlets Together (Place Based Partnership)
Denise Radley	Corporate Director for Health, Adults and Communities
Katie O' Driscoll	Director of Adult Social Care, LBTH
Somen Banerjee	Director of Public Health, LBTH
Warwick Tomsett	Joint Director of Integrated Commissioning, LBTH
Ben Gladstone	Deputy Director Integrated Commissioning and Strategy, Policy & Improvement, LBTH
Sarah Murphy	Principal Social Worker, LBTH
Anne Page	Service Quality and Development Lead, LBTH
Aelswith Frayne	Head of Employment and Skills, LBTH

Scrutiny Review Support by:

Filuck Miah	Senior Strategy and Policy Officer
Zaid Ul-Islam	National Management Trainee

Key findings and Recommendations

Recommendation 1:

The Integrated Care Board (ICB) is recommended to collaborate with Tower Hamlets Together (THT) Board to develop robust and dynamic workforce intelligence for the health and care sector.

- 2.1. The Sub-Committee heard evidence from the Council's Adult Social Care Team on the increase levels of demand for services set against a growing population in Tower Hamlets. The Sub-Committee noted that whilst the workforce is diverse it does not fully mirror or reflect the local population and that approximately a third of the workforce (315) is also 55 years of age or older. The consequences of having an older adult social care workforce would pose risks and leave gaps if they choose staff choose to retire. The Sub-Committee noted that whilst Tower Hamlets is in a stronger position than other local authorities they are only replacing staff and not growing the workforce in line with the population growth demand.
- 2.2. The Sub-Committee also heard evidence that those coming into the profession within Adult Social Care tend to be middle aged people who are changing profession and that developing an approach to bringing down the age of the workforce that enter the profession was necessary to mitigate the risks as young people are not entering the profession from schools or university.
- 2.3. The Sub-Committee enquired on the protected characteristics of the workforce and how the service was forecasting the numbers required to meet the demand. The Sub-Committee heard that this was a gap area being reviewed by service who are currently using other sources of data such as Skills for Care and the regulatory bodies such as Social Work England, Department of Health and Social Care, (DHSC), Care Quality Commission and Local Government Association Employer Standards and that it tends to be more responsive to demand rather than anticipation.
- 2.4. The Sub-Committee also heard evidence on the shortages across health including GPs, doctors, nurses, paramedics, diagnostics and non-clinical staff. The Sub-Committee raised questions on required capacity for different roles in Tower Hamlets but extracting the information at a neighbourhood or place level was not available. The Greater London Authority⁵ reports that the NHS has one of the most ethnically diverse workforce in the public sector however it has not been able to collect wider protected characteristics such as intersectionality. Closing the Gap⁶ report also identifies this issue and that challenges remain at a local, system and regional and national level. The Sub-Committee recognises that good quality evidence-based data is needed to be able to make good decision and accountability.
- 2.5. The Sub-Committee also enquired on what work has been done to understand which local population is underrepresented in the health and social care workforce. The NHS Workforce Race Equality Standard Model Employer Guidance⁷ also outlines

⁵ [Under-representation in health](#)

⁶ [Closing-the-gap-key-areas-for-action-overview.pdf](#)

⁷ [wres-leadership-strategy.pdf \(england.nhs.uk\)](#)

that data will be important to determine organisational progress including BME Staff representation at senior levels across the NHS and support robust action planning.

- 2.6. The Institute of Employment Studies (IES) provided reflections on the evidence heard at the session and informed the Sub-Committee that a comprehensive research and evaluation strategy needs to be place alongside the people strategy covering representations of different groups at different levels within the workforce. They also commented that the strategy should not only monitor data to see how the workforce changes over time but also to evaluate initiatives to deliver the workforce requirements. The Sub-Committee noted that understanding the workforce from various levels in crucial in order to manage planning, training, employment and retention.
- 2.7. Skills for Care⁸ suggests that good decision making should be based in intelligence, evidence and robust data which can highlight areas that need for focussed support, providing the information that helps organisations to plan, fund and monitor the workforce. It also highlights that Adult Social Care does not have the same level of visibility as NHS. Having data in a single place can also help to understand the picture of market trends, vacancy rates, gaps in workforce that exists turnover, people leaving the sector and training opportunities. It also suggests that it's the foundation on which government develop policy.
- 2.8. The Chief People and Culture Officer (CPCO) also informed the Sub-Committee that BME population is the majority in Northeast London and therefore ICB will be ensuring that the workforce is reflected at every level. The Sub-Committee noted that the Tower Hamlets' workforce data is not as mature as the ICB wants it to be. It also highlighted that the workforce data needs to be broken down by place and demographic as demographically some of the communities in Tower Hamlets are not accessing roles within the health and social care. The Sub-Committee felt that there needs to be robust evidence base to address the barriers.
- 2.9. The ICB had also informed the Sub-Committee that they are keen to discuss the progress of workforce at a local and neighbourhood level and that Tower Hamlets Council should also interact with the one of the subgroups of the ICB's Peoples Board to report on the progress made in Tower Hamlets.

Recommendation 2:

The ICB is recommended to collaborate with the THT Board (System) and the local authority's Health and Wellbeing Board (Place), to undertake investment in developing shared communications and ongoing engagement with the borough's residents.

- 3.1. Sub-Committee Members undertook site visits to local GP practices in the borough to understand some of the key issues they faced this included recruitment both clinical and non-clinical roles. Sub-Committee learned that the challenge for GPs were not able to recruit as there was a lack of flexibility with national contract arrangements (alongside level of work pressures) but also they had received very little response to adverts placed for some of the non-clinical front of house roles.

⁸ [Home - Skills for Care](#)

- 3.2. The Sub-Committee also heard from the local female student who was undertaking a further education level three Health and Social Care course. The student highlighted some of the challenges that may put off students such as the negative press that health and care roles get, poor pay and conditions and a lack of progression for certain BME groups. New City College also informed the Sub-Committee that there is a real need to communicate to students where the highest levels of demands are in the workforce to influence their career progression.
- 3.3. At Queen Mary, the Medical and Dental placements are capped. Queen Mary and other organisations have been asking Health Education England and the Government for more Doctors and Dentists. The council can help advocate for Queen Mary to get more placements. New City College also provided evidence on why there was a drop in numbers and lower interest in taking up health and social care courses and negative media linked to the perception of in work poverty, poor pay, poor progression and workload pressures.
- 3.4. Closing the gap⁹ findings also suggests that candidates with Bangladeshi ethnicity are on average half as likely to be appointed from an NHS shortlist than a white British person. It also reported that those with Bangladeshi, African or White and Black African ethnicities appeared to have lower success rates.
- 3.5. The Sub-Committee is of the view that many residents may not necessarily be aware of the employment opportunities on the council's or NHS website particularly if employers wish to target the underrepresented population. For example many of the Bangladeshi residents and their families may not use legacy media channels to obtain their information but rather use those that are reflective or make up of their community such as Channel S or Bangla TV. The Sub-Committee also recognised that for the Generation Z and Millennial age group, working with potential influencers and social media channels may generate more interest from these age groups than the traditional channels. The Sub-Committee also acknowledged that employer branding will need to consider how culture is articulated to attract, engage and retain staff.
- 3.6. The GP and Clinical Director Tower Hamlets Together also outlined the importance of celebrating primary care and stating why it is a good thing to be GP in Tower Hamlets and ensuring that the message is spread widely across the borough. The Sub-Committee also reflected and felt that it was important to promote (through the council comms channels) the borough in a positive way to attract people to reside and work in the borough. The future of recruiting 2023 report¹⁰ identifies that some of the key factors influencing on a new role include excellent remuneration and benefits followed by work-life balance and flexible working arrangements.
- 3.7. The Sub-Committee heard evidence from the CPCO and that they have been undertaken focus groups to engage different population groups on job requirements and aspirations which will feed into overall workforce strategy. The Sub-Committee also noted that the ICB that they are keen to work closely at place level with

⁹ [Closing-the-gap-key-areas-for-action-overview.pdf](#)

¹⁰ [future-of-recruiting-2023.pdf \(linkedin.com\)](#)

colleagues from the local authority and that work on the workforce agenda has a joint approach both at a system, place and neighbourhood level. The Sub-Committee also recognised that there is a need for the community outreach work to draw attention to people in the community about the opportunities that exist in social work.

- 3.8. The Sub-Committee also viewed that there are real networking opportunities to publicise vacancies across the anchor institution's communication division to achieve a wider reach such as registered social landlords and housing associations, Tower Hamlets Council for Voluntary Services (THCVS), LBTH WorkPath Service, Primary Care, local schools, colleges and universities.

Recommendation 3:

The ICB and LBTH is recommended to incorporate integration when planning, developing and implementing its health and care workforce strategy such as service, financial and workforce plans.

- 4.1. The Sub-Committee noted the challenge that the ASC service was facing with hard to fill roles such as Occupational Therapy and Approved Mental Health Practitioners. The IES cited that during the pandemic period, many of the older age group workers had left the labour market (700,000) so there are fewer people in the labour market looking for and being available for work. The Sub-Committee also heard the ASC intends to move away from reactive workforce planning to more proactive workforce planning and the Sub-Committee noted that vacant posts should be looked at in advance to planning recruitment. The Sub-Committee also heard evidence from the CPCO that despite having an ageing workforce, Tower Hamlets actually has a population under the average age of 39. The Sub-Committee heard that there is also an expectation that ASC has a comprehensive workforce strategy ahead of the Care Quality Commission Inspection. The Sub-Committee also noted the challenges that ASC faces with how funding is distributed which also impacts on longer term workforce planning.
- 4.2. The Sub-Committee heard evidence that understanding the nature of the current workforce and possible gaps will help to develop an action plan to manage now and for the future demand. Managing this process would benefit from integrating different intelligence such as service, financial and workforce plans and aligning this to achieve a much more robust process that mitigates or reduces the level of risk and also test assumptions based on available intelligence.
- 4.3. The Sub-Committee enquired as to how the local college planned the number of health and social care course places for each year and the level of engagement needed with local employers. The college informed the Sub-Committee that they use historical data with number of learners and progression routes and that having work placements is a key selling point for the course. The future of recruiting 2023 report¹¹ also suggests that recruiting will drive business-critical change and therefore recruiting needs to be more strategic.

¹¹ [future-of-recruiting-2023.pdf \(linkedin.com\)](#)

- 4.4. The Sub-Committee Members visit to health services such as the GPs highlighted the need to integrate different levels of intelligence in order anticipate risks i.e. working with different services such as using social prescribing. The Sub-Committee recognises that this will need to be that standard approach in developing a robust but agile workforce as more residents with complex health needs will need to access a range of support services as part of their recuperation process.
- 4.5. The GP and Primary Care Development Lead informed the Sub-Committee, that the younger generation coming through do not want to work in the same way i.e. working every single hour and it is not appealing to them. The GP also informed the Sub-Committee that GP practices in the borough will need to recruit from the wider workforce roles such as a physiotherapist, pharmacist etc. The Sub-Committee noted that the ICB have held meetings with Primary Care colleagues to establish gaps in H&SC across North East London area with the exception to Tower Hamlets and felt that this meeting is also needed.
- 4.6. The Sub-Committee heard from a number of the stakeholders that they have good relations with local organisations however the committee also felt that this area could be strengthened as at times different organisations have differing priorities. The Sub-committee recognises that the integration model of working requires significant cross cutting work for example the Council's recruitment service Work Path may provide an outlet for the Health and Care employers to access a pool of potential candidates for roles. Having an integrated approach with different stakeholders (provider collaboratives) may help to develop placed based unique selling point (USP) and more efficient use of resources achieving good outcomes for the borough such as local recruitment from the borough's population.
- 4.7. The Sub-Committee noted that at time the ICB struggled with accessing senior Tower Hamlets colleagues when compared to other local authorities and they had also established that they would also want to meet the Council's chief executive and Public Health colleagues. As the Director of Public Health was in attendance, he was able to share his details and he also suggested attending the THT board as many of the key senior stakeholders attend this board.
- 4.8. The Sub-Committee noted that the ICB inferred that they would like to connect as a partnership with local authorities including Tower Hamlets and the NHS to discuss how best they can apply the £4 billion funding to pool resources and improve the communities.

Recommendation 4:

The ICB and THT Board to partner with the borough's wider Health and Care employer stakeholders to review and co-design job roles required to support the demand for health and care services.

- 4.9. The Sub-Committee asked the GP partners how they were approaching the recruitment of new doctors to join the practice. The informed the Sub-Committee that building a good working environment, where there is room for work life balance and an opportunity to develop.

- 4.10. The director for strategy and integration for BARTS NHS informed the Sub-Committee that they run a people plan campaign call Drive to 95 which is intended to substantially recruit into all of their posts up to a level of 95% and reducing reliance on agency staff to initiate a cost improvement plan that saves. However BARTS NHS accepted that their challenge is retention so they have proposed a healthy and inclusive environment for staff. Some of the challenges that staff face are trying to clear the backlog of elective care.
- 4.11. The Sub-Committee noted that challenges of recruiting to residential nursing and part of this challenge is that NHS often offer better terms and conditions when compared to the care sector and so there needs to be harmonisation. The Sub-Committee further noted that 40% of employees care workers are employed on zero-hour contracts. For the Council commissioned homecare, all employees are offered a London living wage with 12 hours a week minimum contract.
- 4.12. The Institute of Employment Studies informed the Sub-Committee that developing retention support will support recruitment and the areas of importance are flexibility, health and wellbeing and pay and progression. The health and wellbeing that resides in the actual design of work and design of job and can lead to questions around level of support to people have a work and level of control and autonomy with work. The IES informed the Sub-Committee that work was undertaken with some GP practices by introducing flexible work arrangements for GPs and other staff burnout on retention and work intensity which led to changing working hours and introducing greater variety into their roles can help reduce the demand and improve retention and health and wellbeing. The Sub-Committee also acknowledged that learning and development will be crucial in supporting internal mobility, skills first hiring and employee retention.
- 4.13. The Sub-Committee also noted that developing career structures offers clear pathway in which people can progress but also pick up skills that they can learn. However they also noted that the ICB inferred that they have not been able to get involved with Tower Hamlets to identify and understand the specific needs for the borough. The ICB added that they will need to develop a better understanding of the place and neighbourhood level issues for Tower Hamlets and consider career options and packages that can be established a primary care and social care to address these specific needs. Sites such as Linked-In have also found that the many of the employers are moving to a skills-first hiring i.e. the practice of valuing a candidates skills over other attributes.
- 4.14. New City College also cited that Public Health Foundation¹² suggested that 55% of the population felt that standards had declined and factors influencing this include poor pay, poor progression, increased workloads, mental health.
- 4.15. The future of recruiting 2023 report¹³ also highlights that between the uncertain economy and new trends reshaping the world of work, recruiters will need to be more strategic, adaptable and acutely in tune with talent i.e. what candidates want, skills

¹²[Public Health Foundation - Home \(phf.org\)](https://www.phf.org/)

¹³[future-of-recruiting-2023.pdf \(linkedin.com\)](https://www.linkedin.com/pulse/future-of-recruiting-2023-report-linkedin-com)

they possess and how their careers can grow in the organisation. The Sub-Committee noted that retention was a significant issue for Health and developing internal mobility and upskilling approach is likely retain staff within organisation for a longer duration.

- 4.16. The Sub-Committee noted that the data presented on Tower Hamlets showed that there are gaps in terms of senior roles in health and care sector. Progression was highlighted as a concern as many faced barriers to accessing senior and professional role. The ICB also informed the Sub-Committee that they want to tap into the community to access people mid-career to understand what the barriers and obstacles to progression are, as well as their aspirations and understandings of the available careers.

Recommendation 5:

The ICB and THT Board is recommended to partner up with LBTH's Education and Careers Service, Adult Social Care service, Primary Care commissioning and BARTS NHS to develop experiential learning opportunities for young people in secondary education.

- 5.1. The Sub-Committee heard the challenge that Adult Social Care faces in terms of recruitment of younger people to social care roles. The head of School for London Met University informed the Sub-Committee that care work is not taught at school and is considered more vocational when compared to some of the academic subjects.
- 5.2. New City College as an FE education institution also outlined some of the challenges that health and care sector faced such as negative media coverage, poor pay and progression which has led to a drop in their numbers.
- 5.3. The President of the BARTS and London Student Association (PBLSA) informed the Sub-Committee the concept of ceilings can be influence students if they are worried about their future so it is important to highlight that there is room for growth in health and care careers which can get overlooked.
- 5.4. The PBLSA also highlighted to the Sub-Committee that work experience schemes for medicine and dentistry can be very nepotistic. If you have a family member working in the sector (necessary part of the application) then it is easy to access but it becomes a barrier for young people who do not have the family or network.
- 5.5. The Sub-Committee also heard from the Director of Public Health who felt that, whilst BARTS NHS has a lot of really good clinicians who can go out to schools and inspire young people into health and care roles, its believed that this is not uniform across the borough and certain schools consistently get this input where other schools do not which ultimately may mean that some young people miss out.
- 5.6. The Sub-Committee noted that the ICB were keen to engage with the Council's employment and skills to address local barriers and scale up local employment initiatives.

Recommendation 6:

London Borough of Tower Hamlets (LBTH) is recommended to incentivise key worker accommodation status, council tax reductions and parking provision for health and care professionals.

- 6.1. The Sub-Committee heard from a number of witnesses citing the cost-of-living challenge having a significant impact on being able to recruit and retain in Tower Hamlets. The GP and Primary Care Development lead informed the Sub-Committee that GPs and nurses workforce crisis is exacerbated by cost of living with housing and energy costs when compared to outside of London. GPs are also reducing their hours and retiring early in order to manage their work life balance. They also find that its more attractive to be agency or locum than being a permanent staff member and salary packages are getting more competitive.
- 6.2. The Sub-Committee also heard evidence from GPs that the cost of living is more acute in inner London boroughs and both rent and transportation is on the expensive side which includes parking charges.
- 6.3. Queen Mary University of London's (QMUL) vice principal for health also informed the Sub-Committee that many of higher education students that come to study in Tower Hamlets often become residents so offers that advantage of retaining the talent pool in borough.
- 6.4. The PBLSA informed the Sub-Committee that the cost of living was beginning to bite and that many of doctors who were former students in Tower Hamlets before becoming residents of the borough have decided to relocate to Australia and New Zealand which has a public health service but offers better remuneration package which is often is two to three times as much as the UK. The PBLSA also informed the Sub-Committee that five or six years ago London would have been oversubscribed for doctors but now a significant number are moving away from London.
- 6.5. The PBLSA also highlighted the pay award for F1 doctors being a £14.00 after six years of medical school and when you compare this to working in a fast-food restaurant where pay is around £12.50, this can disincentivise people pursuing jobs in the medical profession.
- 6.6. The Sub-Committee recognises that there are limitations on their part in terms of influencing medical professions pay awards which are managed and negotiated by their unions and the government. The Sub-Committee does recognise that making Tower Hamlets a more attractive place to live and work can help to retain health and care professionals.
- 6.7. The Sub-Committee asked the CPCO on how they have considered the cost of living and inflationary pressures to make the roles more attractive. The CPCO informed that they have secured agreement with all the trusts to sign up to becoming London living wage employer. They also explained to the Sub-Committee that they are looking across all the partnership and pulling the budgets together to try and support the independent care sector.

Recommendation 7:

The ICB is recommended to work with the local Higher Education Institutions and develop grant top up funding streams that can support medicine students in the last two year of their study.

- 7.1. The PBLSA also highlighted to the Sub-Committee that there has been a culture shift in the last 10-15 years within Healthcare. Previously motivating factors such as taking altruistic approach to a career in medicine or dentistry and where finance was not considered a key driver, however much of sector is now considering industrial action across the sector as the altruistic approach does not pay the bills or reflect the current living costs. This highlights that there is a financial aspect to incentivising young people, particularly those going into the healthcare sector.
- 7.2. The Sub-Committee heard evidence that medicine and dentistry students who are on NHS bursary are around 40% less well off than the student finance counterparts. Currently, students in London who are in the final two years of medicine have to manage on £7,000 per annum. Students are unlikely to manage on this amount and have to take up significant amount of overtime and bar work to supplement their living costs all of which has extra impact on the attainment of the student as well impact on their mental health and wellbeing. The Sub-Committee is concerned that students are having to focus on topping up for the living costs when they should be focussing on the education studies.
- 7.3. The Sub-Committee again heard that the cost of living in London is much higher than other parts of the country and this can influence whether someone wishes to remain or move out of London.
- 7.4. The Sub-Committee recognises that the council new administration has taken steps to provide top-up bursary for Tower Hamlets resident young people going to college and university. However this is limited and does not have the resource capacity to cover much of the remaining medical students in the borough and will inevitably require a larger funding pot to manage the demand.

Recommendation 8:

The ICB is recommended to collaborate with local FE and HE education institutions with a view to supporting investment for piloting Degree Apprenticeships, and T- level placements to help increase much needed capacity.

- 8.1. The QMUL vice principal informed the Sub-Committee that they were developing a degree apprenticeship programme for both medicine and physicians associate to help with meeting local demand. They informed the Sub-Committee that other universities have dropped out because of the funding issue. Despite having the degree apprenticeship levy supports some of the training, there remains a gap in the funding. QMUL pay for clinical placement to primary and secondary care, however the money that is received for these student on these placements is less than the initial outlay which ends up costing the university.
- 8.2. QMUL vice principal for health also highlighted the challenge for the degree apprenticeship to function properly, the NHS trusts would need to employ the medical

student but many trusts themselves are financially constrained. Furthermore, placements would need to offer access and learning to different areas of medicine as students could not work just in one area for the duration.

- 8.3. However QMUL vice principal, believes that it would offer local people to be salaried via the degree apprenticeship programme and though it would take longer to train them up they would have the benefit of having a blended learning approach. The Sub-Committee recognises that there is potential scope for degree apprenticeships as this provides buy in for students who may not wish to have a large student loan to pay off given the current cost of living crisis situation.
- 8.4. New City College informed the Sub-Committee that they were struggling to secure placements for the students (an alternative to A' levels) who are taking up on the T level qualification¹⁴ on Health for which students have to complete a minimum of 360 placement hours over a two-year period. This could also potentially develop additional capacity for the sector upon qualifying.

Recommendation 9:

The ICB and LBTH is recommended to draw on international recruitment options to meet the immediate shortfall for health and care demand whilst developing its growth model from local labour for future demand.

- 8.5. The Sub-Committee heard from a number of witnesses on the impact that Brexit, creating a vacuum of shortages as European medical staff returned back to their countries with no clear government strategy to address the shortfall. The impact on staff wellbeing during the pandemic had also impacted retention as frontline were often exposed to the viral environment some of whom suffered from long Covid.
- 8.6. The Sub-Committee noted that it can take anything from 10 to 14 years to train up doctor whilst nurses can be anything from three to four years. Other medical specialists roles such as radiologists can take up to 13 years. Whereas other roles can take lesser time such as occupational therapists and mental health practitioners. The Home Office's UK visa and immigration department¹⁵ list occupations where there are shortages including:
- 8.7. Medical practitioners, Pharmacists, Medical radiographers, Physiotherapists, Psychologists, Occupational Therapists, Speech and language therapists, Nurses and Paramedics, Nursing and Auxiliary assistants.
- 8.8. The Sub-Committee noted that in both health and care sector that whilst there is the intention to replace the shortages of current levels there has been little forecast for future demand. Closing the gap report¹⁶ findings also cited that ethnic minority health care staff were also disproportionately likely to have died from Covid-19.

¹⁴ [About T Levels for students | T Levels](#)

¹⁵ [Skilled Worker visa: shortage occupations - GOV.UK \(www.gov.uk\)](#)


¹⁶ [Closing-the-gap-key-areas-for-action-overview.pdf](#)

- 8.9. The Sub-Committee recognises that there will be a need to undertake international recruitment to meet growing demand for services whilst continuing to develop local labour market options.

Conclusion

- 9.1. This scrutiny review provided the Sub-Committee a chance to scrutinise the health and care services approach to addressing the workforce shortages across the health and care sector. It is clear from the evidence heard that health and care sector is of strategic importance not only of the council's strategic priorities such as investing public services but also ensuring that the borough is able to recover well from the external forces such as the decade long austerity, the fallout from Brexit, Covid-19 pandemic and now the cost-of-living challenge.
- 9.2. The Sub-Committee has made nine recommendations and hopes that both the Mayor and Cabinet and our ICB partners take these forward and work with HASSC and others to ensure that we have a robust approach for recruiting and retention for the sector one in which is able to anticipate and manage the growing demand and ensures that the borough is an attractive place to live, study and work.

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<p>Cabinet</p> <p>25 October 2023</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Denise Radley – Corporate Director Health & Adult Social Care & Deputy Chief Executive</p>	<p>Classification: Unrestricted</p>
<p>Safeguarding Adults Board Annual Report 2022-23</p>	

Lead Member	Cllr Gulam Kibria Choudhury - Cabinet Member for Health, Wellbeing and Social Care
Originating Officer(s)	Ranjit Matharu – Strategic Boards Manager
Wards affected	All wards
Key Decision?	No
Reason for Key Decision	This report has been reviewed as not meeting the Key Decision criteria.
Forward Plan Notice Published	7 th June 2023
Strategic Plan Priority / Outcome	Investing in Public Services

Executive Summary

Every year, the Safeguarding Adults Board publishes an Annual Report to set out progress, achievements and learning over the previous year. The attached Annual Report for 2022-23 is presented to Cabinet to note. It has been presented to the Safeguarding Adults Board for agreement and will be published on the Council’s website

Recommendations:

The Mayor in Cabinet is recommended to:

1. Note the Safeguarding Adults Board Annual Report 2022-23.

1 REASONS FOR THE DECISIONS

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 action¹ ”.

2 ALTERNATIVE OPTIONS

2.1 There are no alternative options given that the Safeguarding Adults Board must publish an annual report.

3 DETAILS OF THE REPORT

3.1 The Safeguarding Annual Report sets out the progress, achievements and learning over the previous year. It follows a similar format to last year’s report and describes:

- Background to the Safeguarding Adults Board
- Demographic data in Tower Hamlets
- Safeguarding performance data for 2022-23
- Funding arrangements for the Safeguarding Adults Board
- Learning and Development
- Key achievements from partners over the previous year
- Progress against last year’s priorities
- Our plans for 2023-24
- Background information on the governance, structure and membership of the Board
- Links to other strategic boards.
- Glossary
- What to do if you are concerned about an adult

4 EQUALITIES IMPLICATIONS

4.1 The Annual Report includes analysis of 2022-23 referrals according to gender, ethnic background, age and disability

5 OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

¹ Section 14.136 <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#safeguarding-1>

5.2 No other statutory implications have been identified. The focus of this report is safeguarding and reducing the risk of abuse and neglect of vulnerable people.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 The gross expenditure for the administration of the Safeguarding Adults Board in 2022-23 was £188,876. Partner agencies contributed £84,900 (including a late payment received from NHS North East London CCG of £10,000 that related to the 2021-22 contribution). The Local Authority contributed to the balance of the costs remaining at £103,976.

6.2 There are no direct financial implications arising from the annual report.

7 COMMENTS OF LEGAL SERVICES

7.1 Section 43 of the Care Act 2014 requires each Local Authority to establish a Safeguarding Adults Board (SAB) in its area, the purpose of which is to help and protect adults in its area who have needs for care and support, is experiencing or at risk of experiencing abuse or neglect, and as a result of those needs is unable to protect themselves against the abuse or neglect or risk of it. The Statutory Guidance sets out that the main objective of a SAB is to assure itself that local safeguarding arrangements and partners act to help and protect adults in its area who meet the above criteria.

7.2 This report is in compliance with the statutory requirement of the SAB to publish an annual report after the end of financial year which must clearly state what both the SAB and its members have done to carry out and deliver the objectives and other contents of its strategic plan.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 - Safeguarding Adults Board Annual Report 2022-23

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE

Officer contact details for documents:

Ranjit Matharu – Strategic Boards Manager
Ranjit.matharu@towerhamlets.gov.uk

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Tower Hamlets
Safeguarding Adults Board
Making Safeguarding Personal

Tower Hamlets *Safeguarding Adults Board* *Annual Report 2022-23*

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Safeguarding is everyone's responsibility



Safeguarding Adults' Board summary for 2022-23



Volume & Trends

- The number of safeguarding concerns decreased by 8.6% this year (1330) compared to last year (1449)
- The number of safeguarding enquiries raised has decreased by 16% compared to last year
- 'Neglect' and 'Acts of Omission' remain the largest single type of abuse investigated in the Borough
- The majority of safeguarding issues take place in the victim's own home and care homes
- The number of Deprivation of Liberty Safeguards (DoLs) authorised continues to increase with this year being the highest (370) over the course of 5 years.

2022-23 Achievements

- Recognition and creation of a working group to look at substance misuse and housing issues
- Implementation of the 'Carer's Passport' project as part of the community engagement group
- The 2022 Safeguarding Conference involved those with lived experience
- 'Deep Dive Audits' completed in Adult Social Care in November 2022
- Safeguarding video produced by the Community Engagement subgroup
- Developed a prototype of a multi-agency dashboard, to help partner organisations make better decisions based on evidence and data.

2023-24 Priorities:

- **People with Learning Disabilities** - to make sure that through the best scrutiny and governance we are working with people with learning disabilities and their families to minimise the risk of harm
- **Self-Neglect and Hoarding** - to strike a balance between respecting people's rights but acting early, working closely between agencies, to minimise the risk of Hoarding and Self-Neglect
- **Substance Misuse & Homelessness** - build on the extensive provision in Tower Hamlets to make sure that the best practice in housing support for residents with complex care needs and substance misuse issues becomes the standard for all housing providers.



Foreword on behalf of the Independent Chair



I am writing this Foreword following the sudden and sad death of our Independent Chair, Fran Pearson. Fran was a remarkable person, an expert in her field and we were lucky enough to benefit from her passion, commitment and expertise for two years. Our thoughts are with her family at this difficult time.

In 2022/23 the Safeguarding Adults Board has continued to work on raising awareness of safeguarding and abuse, producing an animated YouTube Video for use with the community. We have also continued our focus on learning and supporting staff across the system with training, learning and development around safeguarding. Our annual safeguarding conference continues to be well attended and receive excellent feedback. We are focusing on increasing the voice of people who have used safeguarding services within our approach and have three local residents who are part of the London Safeguarding Voices Group.

The Safeguarding Adults Board has identified a priority around those residents of the borough who led complicated and chaotic lives including those with substance misuse problems and housing insecurity and those at risk of self-neglect and hoarding. We care very much about these residents and want to support staff across the system to work with them to reduce risk, ensure we uphold their rights and intervene early if needed to safeguard and support them. We will also be working with people with learning disabilities this year to ensure that we work to safeguard people in a person-centred way including people who may not live within the borough.

The population in Tower Hamlets is growing and we continue to address challenges of health inequalities and housing need. Last year the number of safeguarding enquiries fell, and the Board will continue to monitor data that provides insights into safeguarding need and the work carried out. Continuing to raise awareness of abuse, risk and safeguarding is an important, ongoing role of the Board. We continue to work within the Making Safeguarding Personal framework and will continue to support people to define the outcomes they want and monitor if these are achieved.

Denise Radley

Interim Chair of Safeguarding Adults Board



Introduction



What is adult safeguarding?

The Care Act 2014 statutory guidance describes adult safeguarding as:

“Protecting an adult’s right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time, making sure that the adult’s wellbeing is promoted including where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.”

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Who does safeguarding apply to?

Safeguarding is everyone's responsibility and the Board has a role to play in assuring our community that 'adults at risk' are safeguarded from abuse or neglect. An adult at risk can be anyone aged 18 or over who:

- Has care and support needs (even if no agency is involved in meeting those needs) and;
- Is experiencing, or at risk of, abuse or neglect; and/ or
- As a result of those care and support needs, is unable to protect themselves from either the risk of, or the experiences of abuse or neglect

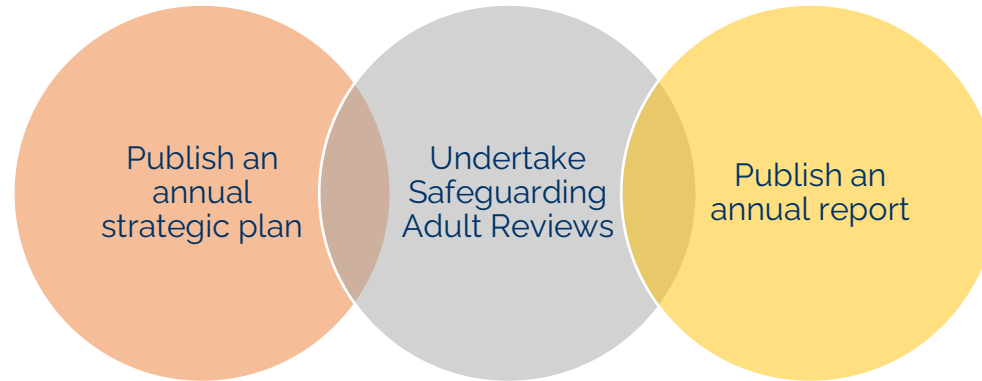


Background



The Care Act 2014 requires Safeguarding Adults Boards to ensure that vulnerable adults are safe, and that agencies work together to promote their welfare. The Act sets out a legal framework for how local authorities and other organisations should protect adults at risk of abuse or neglect.

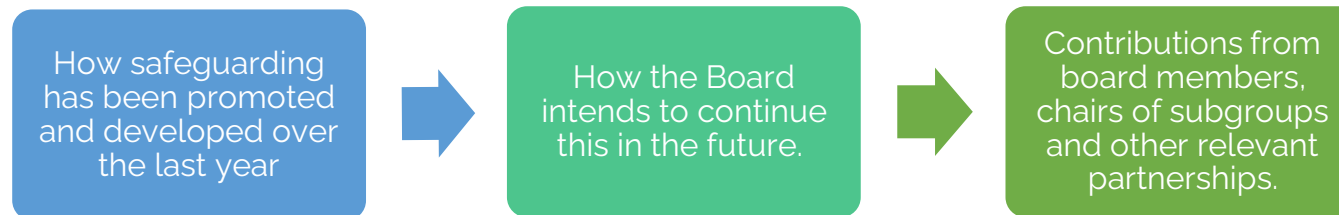
The board has three core duties:



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The Tower Hamlets Safeguarding Adults Board (SAB) Annual Report 2022/23 outlines the work of the Board over the last twelve months and how partner agencies have worked together to improve the safety of adults at risk of abuse.

The report contains details of:



About Tower Hamlets...



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Tower Hamlets continues to have one of the **fastest growing populations** nationally and now has an estimated population of 324,745.

The Median Age in Tower Hamlets was 31.6 – the **youngest of any area in England and Wales**. The borough had the **smallest proportion of older people aged 65+**.

At 34.6%, Tower Hamlets has the **largest Bangladeshi population in England and Wales** and the **largest Muslim population** (39.9%) in England and Wales. It had the fourth smallest White British population and the smallest Christian population in England.

In 2022, **nearly 4,000 older** and vulnerable residents received long and short-term care support from the council.

The borough ranks as one of the **highest in England** for older people living in income deprived households, estimated to be approximately 44% of older people.

Projecting Adult Needs and Service Information (PANSI) projections estimate that over 46,000 people aged between 18-64 will have a common mental disorder by 2024.



Safeguarding adults' performance data 2022-23



This section presents data and information for 2022-23 in relation to safeguarding adults. It gives an overview of the number of safeguarding concerns that have been received, and the number and type of enquiries (investigations) that have been concluded. Our analysis of this data allows us to identify where improvements are needed and which areas to focus on for the coming year. The council in its lead role for safeguarding has an overview of all safeguarding concerns received within the borough. As such, data from the council's case management system has been used to inform this section.

Number of safeguarding concerns

In 2022-23, 1,330 adults had safeguarding concerns raised about them in Tower Hamlets, which is a decrease of 8.6% from the year before (1,449 in 2021-22). Generally, this number has been on an upward trajectory for Tower Hamlets over the past 5 years, which we believe is partly reflective of increased awareness of adult abuse and

neglect amongst staff and residents in the borough.

Who is being referred?

This year there has been consistency in the profile of people who have concerns (referrals) raised about them compared to last year. The gender ratio has remained consistent with higher numbers of women being subject to safeguarding referrals (56.7%) than men (43.3%). In 2022-23, 45.9% of concerns were about older people aged over 65, down from 46.3% last year and there has also been an increase (53.7%) in the numbers of younger adults aged 18 - 64 years who had concerns raised about them compared to last year.

The ethnic profile of those who have had safeguarding referrals made about them has stayed broadly consistent. This year 52.4% of people had a 'white' ethnic background, compared to 53.3% in 2021-22. 28.8% of referrals related to people from an 'Asian' ethnic background; a group that makes up over 40% of the total

population in Tower Hamlets. Although this is a complex issue and the figures may be impacted by the age profile of the borough, the Safeguarding Adults Board is committed to understanding the reasons why this is the case and to addressing the disparity.

Safeguarding adult's enquiries

Safeguarding adult's enquiries are concerns received that proceed to a safeguarding investigation.

375 people had safeguarding enquiries commenced during 2022-23 which has reduced compared to the total last year (446 people). The 'conversion rate' from concerns to enquiries is based on the gross number of cases rather than number of people. This year the rate has decreased to 26% compared to 29% last year.

Following national guidance on the conversion rate from Local Government Association and ADASS, the council has analysed its data to ensure it reflected this and continues to monitor the rate closely.

Overall, there were 391* concluded safeguarding adults' enquiries, a decrease from 428 last year

**Note that this figure differs to the enquiries commenced as that is counted per individual. Some individuals have may have more than one safeguarding incident and complex enquiries may involve multiple types of abuse, each is recorded separately.*



Safeguarding adult's performance data 2022-23 continued



Where the abuse takes place

Based on concluded safeguarding investigations, 60% of safeguarding issues took place in the victim's own home, a 7% drop compared to 2021-22. Enquiries related to people in care homes in 2022-23 was 20%, an increase to the previous year (8%) and enquires related to hospital settings was 10% up from 8% in 2021-22.

The low proportion of enquiries from care homes in Tower Hamlets compared to the national average reflects the small number of residential and nursing care homes in the borough.

The Board have looked at detailed information on the quality of home care and care homes in the borough and at the systems in place to safeguarding people receiving support.

Types of abuse

'Neglect' and 'Acts of Omission' were the largest single types of abuse

investigated in Tower Hamlets in 2022- 23, comprising 25% of all abuse, down from 28% in the previous year. The full breakdown is given in the table below.

Type of Abuse	% of Total
Neglect / Acts of Omission	25%
Financial Abuse	17%
Physical Abuse	13%
Self-Neglect	12%
Psychological Abuse	11%
Domestic Abuse	8%
Organisation Abuse	2%
Sexual Exploitation	1%

Safeguarding enquiries outcomes - managing risk

Safeguarding and risk management can be complex processes with a number of factors that will render a

person or situation being at risk.

Where risk cannot be completely removed, strategies are in place to monitor and inform the individual of what support is available to them.

In the highest proportion of completed enquiries the risk to the individual has been reduced – 37% for 2022-23. The risk was fully removed in 18% of enquiries – same as the previous year. The risk remained in 9% of closed enquiries, a drop from 14% compared to last year.

Making Safeguarding Personal (MSP)

Making Safeguarding Personal (MSP) is intended to make safeguarding more person centred, develop more meaningful engagement of people in safeguarding and improve outcomes.

It continues to be central to the SAB strategic planning and subgroup activity such as through analysing data outcomes, creating opportunities for Partners to collaborate, address emerging concerns both locally and

nationally and ensure the best interest process is followed, including the use of independent advocacy as best practice for the vulnerable.

Where the Desired Outcome is Expressed, 77% expressed an outcome they wanted, up by 5% from 2021-22 and 12% were asked but did not provide an expressed outcome, an increase of 2% from 2021-22.

It is known that the person's desired outcome may not always be achievable. During 2022/23, it was recorded that 69% had outcomes met or partially met, an increase of 4% compared to last year. Furthermore, 31% expressed their desired outcome was not achieved or not recorded yet.



Safeguarding adult's performance data 2022-23 continued



Deprivation of Liberty Safeguards performance data

The Deprivation of Liberty Safeguards (DoLS) is a 2007 amendment to the Mental Capacity Act 2005. The Mental Capacity Act allows restraint and restrictions to be used but only if they are in a person's best interests and they lack capacity to make decisions about their care or treatment.

The Liberty Protection Safeguards (LPS) which were introduced in the Mental Capacity (Amendment) Act 2019 and were meant to replace the Deprivation of Liberty Safeguards (DoLS) system has since been put on hold for the life of this government administration.

During 2022-23, there was an increase in DoLS referrals and the number of DoLS authorised was the highest (370) since 2018-19. This is partially due to a new care home opening that has led to an increase

in demand. Whilst the LPS implementation is on hold, we continue to provide training around mental capacity and DoLS across the partnerships.

The majority (approximately 76%) of all DoLS request received in 2022-23 were from care homes. Hospitals accounted for nearly 18% whilst the remainder of requests were from hospice/other agencies. Throughout the previous two years, care homes accounted for 72% and 69% of all DoLS requests respectively.

In 2022-23, saw an improvement in the waiting list for allocation of DoLS applications, with all applications being allocated to Best Interest Assessors (BIAs) upon receipt leaving no waiting list.

	2022-23	2021-22	2020-21	2019-20	2018-19
Total DoLS request received	578	537	519	596	630
DoLS authorised	370	336	224	293	213
DoLS not authorised	27	27	45	80	30
DoLS withdrawn	181	149	250	223	341

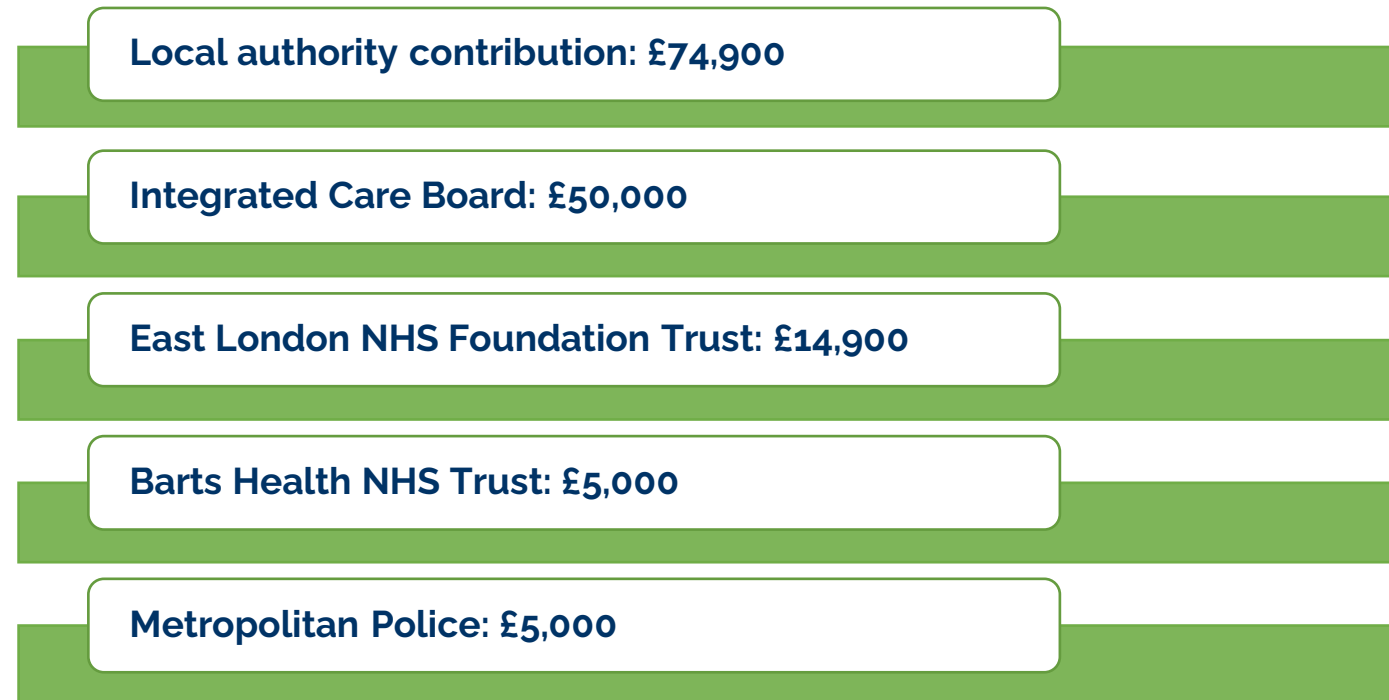


Funding for the Safeguarding Adults Board 2022-23



Section 43, Schedule 2 of the Care Act 2014 ("the Act") allows a 'partner' to make payment towards expenditure incurred by or the purposes connected with the Tower Hamlets Safeguarding Adults Board. It is acknowledged that every organisation faces financial challenges each year; therefore, it is with appreciation that partner members give their time and resources to support the functioning of the board.

This funding covers the cost of the Independent Chair, Safeguarding Adult Reviews and Board Management. The tables below set out the level of the partner contributions in relation to the Board for 2022-23:



Learning and Development over 2022-23



Tower Hamlets council provides a range of safeguarding adults' training for staff at all levels, designed to raise staff awareness and skills so that they are better equipped to identify and respond to safeguarding concerns. Courses include an adult safeguarding course, enquiry officer training, safeguarding adult's manager course, an intermediate safeguarding programme as well as modern day slavery. Bespoke training is also available on topics including hoarding, human trafficking and female genital mutilation.

Partner agencies also provide a range of training for their staff. Safeguarding Adults basic awareness e-learning is a web-based training portal and is available to all Tower Hamlets staff and those working in the private, independent sectors, carers and volunteers working with adults. Training is provided free of cost to the recipient.

Evaluation on our training sessions plays an important part in helping us monitor the practice nature of the

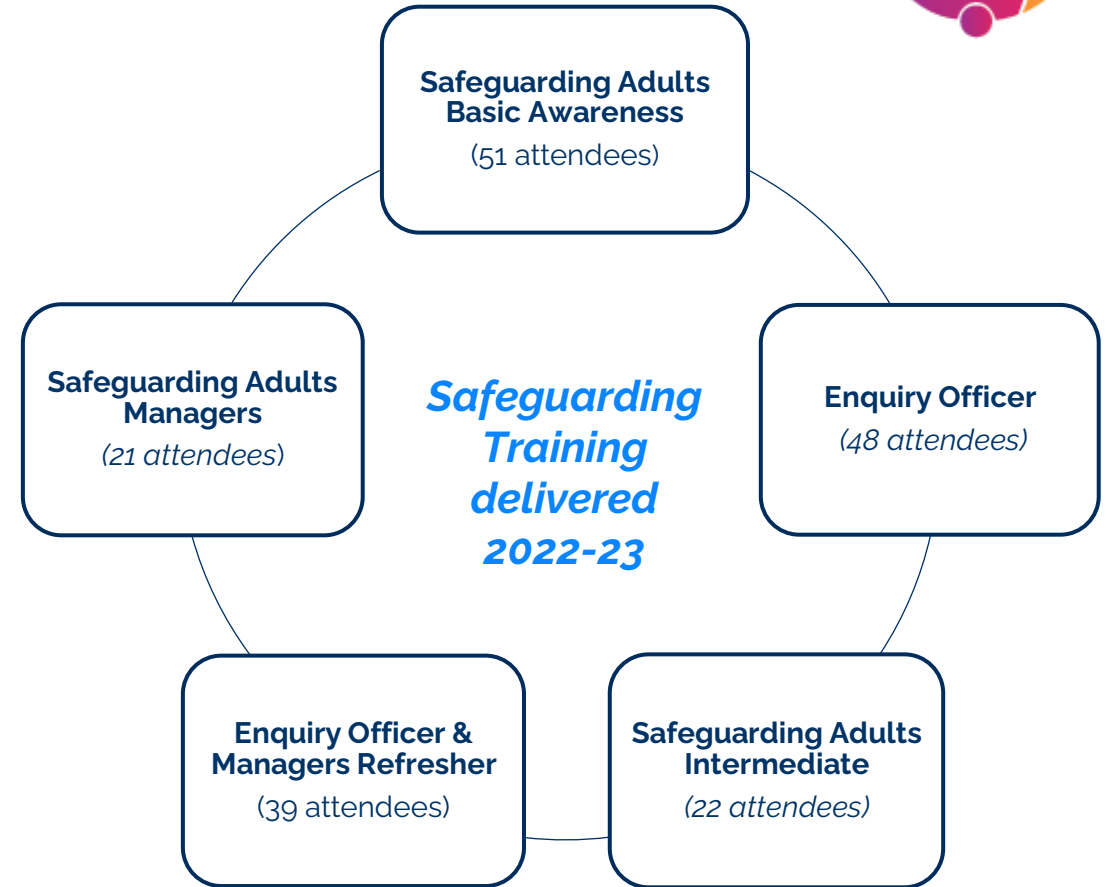
learning, the course structure and knowledge. Below are some of the feedback we have received from our attendees:

'Knowledge and skills gained from this session will enable me to provide better service when working with service users who may be at risk of harm or potential harm.'

'I have gained more insight in signs to look for when triaging concerns, whether an adult appears intimidated or closed off.'

'Excellent sessions focused on making Safeguarding personal and really discussing the nitty-gritty of people's lives and thinking in a trauma-focused way of how people perceive our enquiries as well as what other aspects of their life help or hinder investigations.'

'The training was well coordinated and refreshing.'



Safeguarding Adults Board achievements over 2022-23



The priorities for 2022-23 came from the Safeguarding Adults Board Strategy of 2019-24 and the Spring 2023 SAB workshop. Each priority was built into the business plan relating to the six principles of safeguarding. The importance of supporting people in a personalised way runs throughout these principles in order to promote 'Making Safeguarding Personal'. The business plan is monitored by the Safeguarding Adults Board, whilst the work is undertaken via the sub-groups. Each partner agency has worked to ensure their organisation continues to provide a service, that the workforce receives safeguarding training and understands how to recognise abuse respond to it. A summary of the work carried out is below.

Empowerment

Page 126
Our goals – people being supported and encouraged to make their own decisions and give informed consent.

Poplar Harca: "We work with many different residents, some of which don't meet the threshold for Social Services, so we help to bridge the gap and look for alternative means of support. On every case we have we support the individual to make their own decisions on what support they would like; we will talk to them about all possible options and then allow them to decide which route they would like to take."

Tower Hamlets Council: "The 2022 Safeguarding Conference involved those with lived experience which brought significant value to the process. The local authority is exploring avenues for inviting further feedback from service users as part of the safeguarding intervention."

North East London Integrated Care Board: "The Integrated Care Board has a Quality and Equality, Health Inequality Impact assessment to look at the impact of commissioning plans on vulnerable service users, in particular protected characteristics as well as groups such as homeless people, those with a learning disability, mental health condition or older adults."

Prevention

Our goals – it is better to take action before harm occurs

Barts Health Trust: "There are clear forms and triggers around capacity during a patient's admission with referrals to safeguarding team if there are concerns. The missing patient /absconding /self-discharge policy is also being reviewed and will include a review by our local safeguarding committee with various senior staff present, reviewing the process and challenges for patients who might want to leave our care against advice."

Met Police: "Police take statement from vulnerable adults regularly and their views are captured both evidentially and also in subsequent victim personal statements and if required can lead to escalation for further review."

Tower Hamlets Council: "We held a development day in which we reflected upon the previous year's successes and challenges and examined insight from the safeguarding audits that partners completed. We also identified our short term and medium-term priorities for the Board, which will form the foundation of the Board's programme of work for the next two years."



Safeguarding Adults Board achievements over 2022-23



Proportionality

Our goals – *The least intrusive response appropriate to the risk presented.*

Tower Hamlets Council: "The local authority is in the process of confirming a new quality assurance framework where safeguarding is a key area of focus. Central to this process is the auditing of cases and consultation with those with lived experience e.g. practice week, through which we can assure ourselves that professionals are responding proportionately."

Barts Health Trust: "Our patient public forum has adopted an outreach model and gone out to where groups meet to hear about their experience in the hospital and share initiatives across the hospital – incorporating their feedback into our work to ensure

proportionality. Key contacts have been through women's groups."
North-East London Integrated Care Board: "High risks cases can be raised to the Integrated Care Board safeguarding designated professional who would provide support and guide the process. As part of our role in Safeguarding Adults Reviews, DHR's & LeDeR reviews we would work with partners to ensure learning from such cases that result in a death have learning events."

Protection

Our goals - *support and representation for those in greatest need.*

National Probation Services: "Probation have Multi Agency Public Protection Arrangement (MAPPA) in place to ensure appropriate management of risk for those cases that require multiagency solutions. Cases on licence are subject to recall powers to ensure public protection, and community sentence cases are subject to Court breach processes."

Tower Hamlets Council: "The Local Authority conducts an extensive training programme inclusive of safeguarding and Mental Capacity Act and related areas of support e.g. trauma informed and strength-based practice, suicide prevention."

Met Police: "The Police have systems of checks and balances through supervision which can detect anomalous decision making – combined with central inspections carried out internally in addition to external auditors such the Her Majesty Inspectorate Constabulary (HMIC)."



Safeguarding Adults Board achievements over 2022-23



Partnership

Our goals - local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.

Probation: "We have built and developed strong relationships to support those with substance misuse challenges, with co-location of Drug Intervention Programmes and Project ADDER commissioned workers at the probation office."

Tower Hamlets Council: "Adult Social Care is progressing its quality assurance framework with a specific lens on involving those with lived experience. This has involved forging a relationship with specific service user groups who have agreed to support us on policy development and learning with regards to what is working and not working in ASC".

Poplar HARCA: "The Safeguarding Team have always worked closely in partnership with other services including the Police, Adult Social Services and Community Mental Health Team (CMHT). We also work with local IDVA services and other third-party agencies to ensure that the resident has the best possible support in place. Information is only shared when necessary and when we feel referrals to partner agencies are needed, as the level of support may go beyond what Poplar HARCA can provide, the resident is informed of what is happening and why referrals are being made, unless we believe by doing so places someone at risk of harm."

Accountability

Our goals - accountability and transparency in delivering safeguarding.

Tower Hamlets Council: "ASC is seeking to tailor our MCA training to specifically focus on key issues identified within our most recent SAR, which is due to be published soon. Safeguarding training is also being quality-assured in line with key recommendations from SARs".

Police: "Recent SARs have driven changes in working practice. For example, when a person attends and confesses to a crime that has not yet not been recorded, that person should be invited into the station and interviewed whilst not under arrest. This will allow a risk assessment to take place that can identify risk and the appropriate referrals pending clear identification of the victim and evidence gathering."

Poplar HARCA: "Experience from a SAR led us to specifically look at how quickly cases are moving forward and how long we were waiting for responses from all services, notably social workers, when we had serious concerns about a resident. We ensured that we updated our escalation processes to ensure that if we had not received responses from these agencies within set timescales then this was escalated to management level. We have seen that this has greatly improved action being taken, and we have been able to ensure that resident's risk is managed in a timely manner."



Summary of achievements by the Safeguarding Adults Board and partner agencies



Our priority last year:

Continue to deliver safeguarding training to colleagues and staff across the partnership ensuring it is accessible and effective

What we have done:

The Learning and Communication subgroup of the SAB organised the annual Safeguarding Conference in November 2022 with over 100 attendees present. The key focus of the event was on Self-Neglect. The conference explored the latest research on the topic and service user insight, with a keynote presentation from Dr David Orr, a senior Lecturer in Social Work at the University of Sussex.

The Board organised a development day where the focus was to look to the future and seek partner views on what the board's workstreams need to deliver in 2023 –24 through development of the Board's work plan.

This was well-received and the successful development day set out collectively agreed ambitions to create a process map pathway for all partners to use as well as case studies to aid learning for all partners.

Our priority last year:

Engage with the community around safeguarding using different channels and networks in order to raise safeguarding awareness

What we have done:

The Community Engagement subgroup of the SAB organised safeguarding awareness through the promotion of an animated video on YouTube called 'What is Safeguarding Adults?'; it was shown during safeguarding month and promoted in faith-based places, other community groups as well as to the No Place for Hate Forum, the No to Hate Champions, Adult Social Care forums and to other partners.

Implementation of the carer's passport project as part of the community engagement group was rolled out to recognise the dedication and contribution made by unpaid informal carers in the community, who will now be eligible for local discounts such as at the hospital canteen, coffee shops, gym, theatres and more.

In a further show of appreciation, special lanyards with a card to identify themselves as a carer and carers passport was given to carers to allow for greater community recognition of those who do so much to support their family, friends and relatives.

Our priority last year:

Continue to better embed learning and monitor actions from Safeguarding Adult Reviews

What we have done:

The SAB commissioned a themed Safeguarding Adults Review of two

adults with similar health issues and complexities, which is due to be published in 2022-23.

SAR learning from already published reviews were monitored by the SAR subgroup throughout the year, with work underway to ensure that previous SAR recommendations are thoroughly embedded and evidenced. This is also a standing agenda item for the SAR Sub-Group and for SAB to discuss the implementation and monitoring of the action plan from SAR reviews.

In October 2022, the SAR Subgroup Terms of Reference was updated to better clarify the role, responsibility, authority and accountability regarding actions each partner should take to ensure the protection of service users and establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements.



Summary of achievements by the Safeguarding Adults Board and partner agencies (continued)



Our priority last year:

Involve service users with lived experience into the work of the SAB, particularly around community engagement activity

What we have done:

Tower Hamlets became one of the first boroughs in London to recruit three service users with lived experience into the London Safeguarding Voices Group (LSVG), a group which is intended to bring alive the principles of Making Safeguarding Personal (MSP) by ensuring people with lived experience of safeguarding and their voices are at the heart of safeguarding governance across London.

The SAB also sought the views of service users on their lived experience at the November Safeguarding Conference 2022, where it was highly praised for providing valuable insight. Service users were able to share their views with the following:

'Making Safeguarding Personal (MSP) should make the person being centre of it, not to just be listened, but make them the real, genuine focus'.

'Managing risk is really important and having a thorough understanding of the Mental Capacity Act assessments shouldn't be used to limit people's lives. Where risks are obvious, How can we minimise those risks while still giving maximum Freedom?'

'The support from families, friends and professionals was important to me in being able to move accommodation in order to feel safe'

Our priority last year:

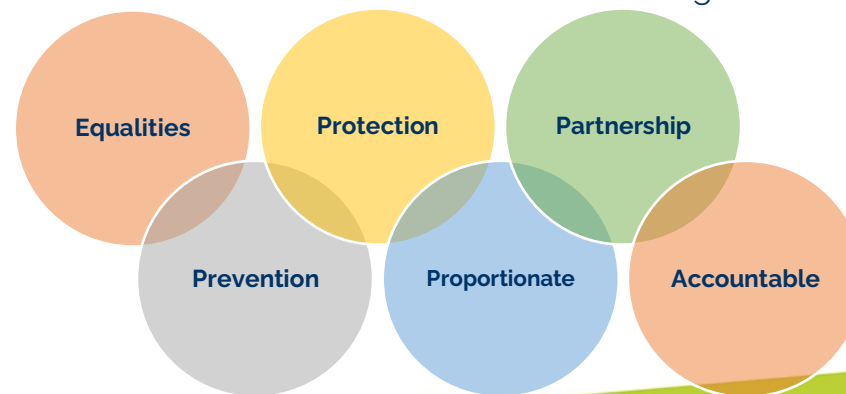
Develop the multi agency dashboard as a resource to help monitor the impact of the SAB

What we have done:

The Quality Assurance and Performance subgroup meet quarterly to discuss the strategic direction of safeguarding activities and emerging concerns within Tower Hamlets. They make key recommendations to the Board through reviewing data and monitoring trends that provides insight and leads to escalation if required.

The subgroup is developing a prototype of a multi-agency dashboard, to help Partner organisations involved in safeguarding make better decisions based on evidence and data with suggested areas of further insight or analytical work. The first iteration was presented to the SAB early this year where it was received positively, and there are ongoing plans to further develop and finalise the dashboard in the forthcoming year.

The dashboard will be based on the 6 principles of safeguarding with partner agencies contributing to metric findings.



Safeguarding Adults Reviews



Section 44 of the Care Act 2014 places a duty on Safeguarding Adults Boards to arrange a Safeguarding Adults Review (SAR), in cases where an adult has died or experienced significant harm or neglect. The purpose is to ensure learning from the lessons and to prevent situations occurring again. SARs are overseen by the SAR Sub-Group, consisting of representatives from the board's statutory partners. On conclusion of the SAR, an action plan will be drawn up to ensure the recommendations of the findings are implemented.

The purpose of the SAR is to:

- Establish what lessons are to be learnt from a particular case in which professionals and organisations work together to safeguard and promote the welfare of adults at risk.
- Identify what is expected to change as a result, to improve practice.
- Improve intra-agency working to better safeguard adults at risk.
- Review the effectiveness of procedures, both multi-agency and those of individual organisations.

*In 2022-23, there was **one** Safeguarding Adults Review that has now been completed – Mrs O and Mrs N. Full details of all published Safeguarding Adults Reviews can be found on the Tower Hamlets website.*

A themed Safeguarding Adults Review (SAR) was conducted for Mrs. N and Mrs. O, of which both elderly women with complex medical needs, who sadly died in September and August of 2019. Mrs. N was an 88-year-old white woman who had complex and longstanding physical health difficulties. She was admitted to the Royal London Hospital in August 2019 at the request of a visiting nurse who noticed her health had deteriorated. On admission, Mrs. N was found to have developed multiple pressure lesions on her body. Although she made a partial recovery, enough to start discharge planning, she sadly died in September 2019. Mrs. O was an 87-year-old woman who was admitted to Royal London Hospital with a grade 4 pressure sore. Her condition deteriorated further over several weeks whilst she was on admission, and she passed away in August 2019. The SAR findings make several recommendations to the SAB and partner agencies. These focus on the following:

- Ensuring that a risk assessment tool is used as part of the Hospital Discharge process
- Home Care Providers are included following the assessment of needs as part of care and support planning
- Ensuring that District Nurse (DN) Pressure Care Plans and Home Care Providers (HCP) Support Plans are shared sufficiently across services.
- Exploring secure information sharing IT options
- Ensuring sufficient Mental Health Liaison attendance to support staff where adults are discussed at Safety Huddle meetings at GP practices.

The SAR is due to be published on the LBTH website by October 2023



Implementation and learning from Safeguarding Adults Reviews



Safeguarding Adults Reviews (SARs) provide an opportunity for effective multi-agency learning to support safeguarding practice improvement and promote safer outcomes for adults at risk. LBTH Adult Social Care are learning from SARs in the following ways:

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Learnings and recommendations to inform and include:

- Strengthening our **MCA** understanding and application
- Improving our **partnership working** and communication
- Embedding a **Trauma Informed** approach to our practice and service
- Recognising Domestic Abuse, including **Coercive Control** and taking action

We are driving forward practice change in the following ways:

- Ensuring our training partners fully understand our **development needs** and they are robustly meeting our learning needs
- Working with trainers to include LBTH case studies and ensure learning is strongly connected to real practice and **the needs of Tower Hamlets residents**
- Ensuring that our safeguarding audit tool and guidance allows us to focus more keenly on practice development areas, reflect the **6 safeguarding principles** (Care Act, 2014) and align with the Care Quality Commission (CQC) ratings
- Employing **Thematic Safeguarding audits** (in addition to our annual Safeguarding 'deep-dive' Audit and biannual practice audits)

Monitoring recommendations and developing best practices through:

- Rebranding our internal SAR monitoring system into a **Key Performance Indicator (KPI)** format that allows all partners to see and analyse on a regular basis
- Escalating **issues, concerns and delays** through recording meeting minutes and holding partners to account in speeding the recommended actions up as updated in our terms of reference.
- The annual report being able to share the work done in the way **SAR recommendations** are implemented by Partners.



Our priorities for last year (2022-23)



Learning and communication

- Organise and deliver an annual safeguarding conference which focuses on key safeguarding risks identified by the Board and endeavors to include the participation of service users with lived experience
- Review the existing training package partners have in place, in order to make sure it is accessible and effective
- Produce 7-minute briefings for recently published SARs and disseminate the learning to partners through online learning events

Quality assurance and performance

- Continue the development of comprehensive multi-agency dashboard that has a clear focus on outcomes
- Conduct an annual deep dive partnership audit focusing on a key safeguarding risk
- Monitor the impact & effectiveness of SAR learning and recommendations in partnership with the SAR subgroup
- Analyse safeguarding data to establish the impact of on the types of abuse taking place to better inform our approach to safeguarding prevention and awareness raising in the community.

Safeguarding Adults Board Strategy 2019-24

At a strategic level, we have worked to ensure the views and experiences of service users drive our plans: A number of resident service user groups, many of whom with experience of adult social care, contributed to the Safeguarding Adults Board Strategy 2019-24, including the Older Peoples Reference Group, Carers Centre and the Learning Disabilities Partnership Board.

The Board also organised a workshop whereby partners discussed and explored the priorities of the Safeguarding Adults Board, as well as discussing how we can successfully deliver those priorities.

Community engagement

Utilise social media channels to target key safeguarding messages towards the younger generation of residents in Tower Hamlets

- Launch a project that aims to uncover hidden harm through the expertise and knowledge of existing community groups
- Refresh and update the digital portal to make it more accessible and easier to navigate for residents

Safeguarding Adult Reviews and other key activity

- Continue to commission Safeguarding Adult Reviews where necessary, but with a more innovative approach to better embed learning quickly
- Monitor the impact and effectiveness of SAR learning and recommendations in partnership with the Quality Assurance and Performance subgroup
- Work in partnership with the THCSP to look at issues around all age exploitation and transitional safeguarding
- Aim to further involve the views and participation of people with lived experience in the work of the SAB



Our priorities for the coming year (2023-24)



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We want stronger processes and better evidence to be sure that all our member organisations are using learning from incident reviews in order to improve people's lives. This year we will test that out and present regular items to the board members, so that we can assure ourselves that systems are robust enough, and that we can pick up on themes and trends. **We will track the way training in each organisation improves people's lives**

We know that Self-Neglect and Hoarding is an increasing issue. **We will publish a toolkit to help professionals, and begin a two year programme to equip professionals to respect people's rights whilst intervening early enough with the right preventative offer for adults at risk**

We will be influential and **let people who live complicated and chaotic lives know that we care about them.** We will work with other strategic partnerships in Tower Hamlets to deliver joint plans.

We want to work with people with learning disabilities to make sure we are doing the best scrutiny and governance possible to keep them safe both within Tower Hamlets and when they are placed away from the borough. Because we know that people with learning disabilities can be particularly vulnerable to certain types of crime, such as cuckooing, we will work with the Community Safety Partnership in Tower Hamlets on some parts of this programme.

Some of the most marginalized people in Tower Hamlets have complex care and support needs because of their substance misuse. Housing insecurity is very often a feature of their lives. **We want to build on the extensive provision in Tower Hamlets to make sure that the best practice in housing support for this group of residents becomes the standard for all housing providers.** We will offer training around mental capacity assessment in recognition that this is an extremely complex and challenging area for practitioners.



Tower Hamlets Safeguarding Adults Board Governance and Accountability



The Care Act 2014 requires all local authorities to set up a Safeguarding Adults Board (SAB) with other statutory partners: the Police and Integrated Care Partnerships (ICPs) Tower Hamlets Safeguarding Adults Board continues to work with partners to embed the requirements of the overarching Care Act to:

- Assure that local safeguarding arrangements are in place as defined by the Act
- Prevent abuse and neglect where possible
- Provide timely and proportionate responses when abuse or neglect is likely or has occurred.

The Safeguarding Adults Board is chaired by an Independent Chair.

The legal framework for the Care Act 2014 is supported by statutory guidance which provides information and guidance on how the Care Act works in practice. The guidance has statutory status which means there is

a legal duty to have regard to it when working with adults with care and support needs and carers.

The SAB takes the lead for adult safeguarding across Tower Hamlets to oversee and co-ordinate the effectiveness of the safeguarding work of its members and partner organisations.

The SAB concerns itself with a range of matters which can contribute to the prevention of abuse and neglect such as:

- Safety of patients in local health services
- Quality of local care and support services
- Effectiveness of prisons in safeguarding offenders and approved premises
- Awareness and responsiveness of further education services

Safeguarding Adults Boards have three core duties, they must:

- Develop and publish an Annual Strategic Plan setting out how they will meet their strategic objectives and how their members and partner agencies will contribute.
- Publish an annual report detailing how effective their work has been.
- Arrange safeguarding audit reviews for any cases which meet the criteria for such enquires, detailing the findings of any safeguarding adult review and subsequent action, (in accordance with Section 44 of the Act).

The Safeguarding Adults Board monitors and mitigates risk via a shared risk register. The risk register is updated frequently and discussed at the Safeguarding Adults Board when appropriate.



Tower Hamlets Safeguarding Adults Board partner members



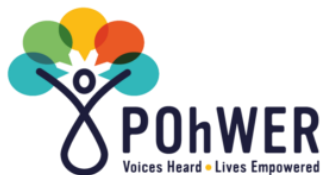
The Safeguarding Adults Board (SAB) is made up of representatives from a wide range of organisations and services across the local multi-agency safeguarding partnership, including:



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Tower Hamlets
Community Safety Partnership



Safeguarding Adults Board (SAB)



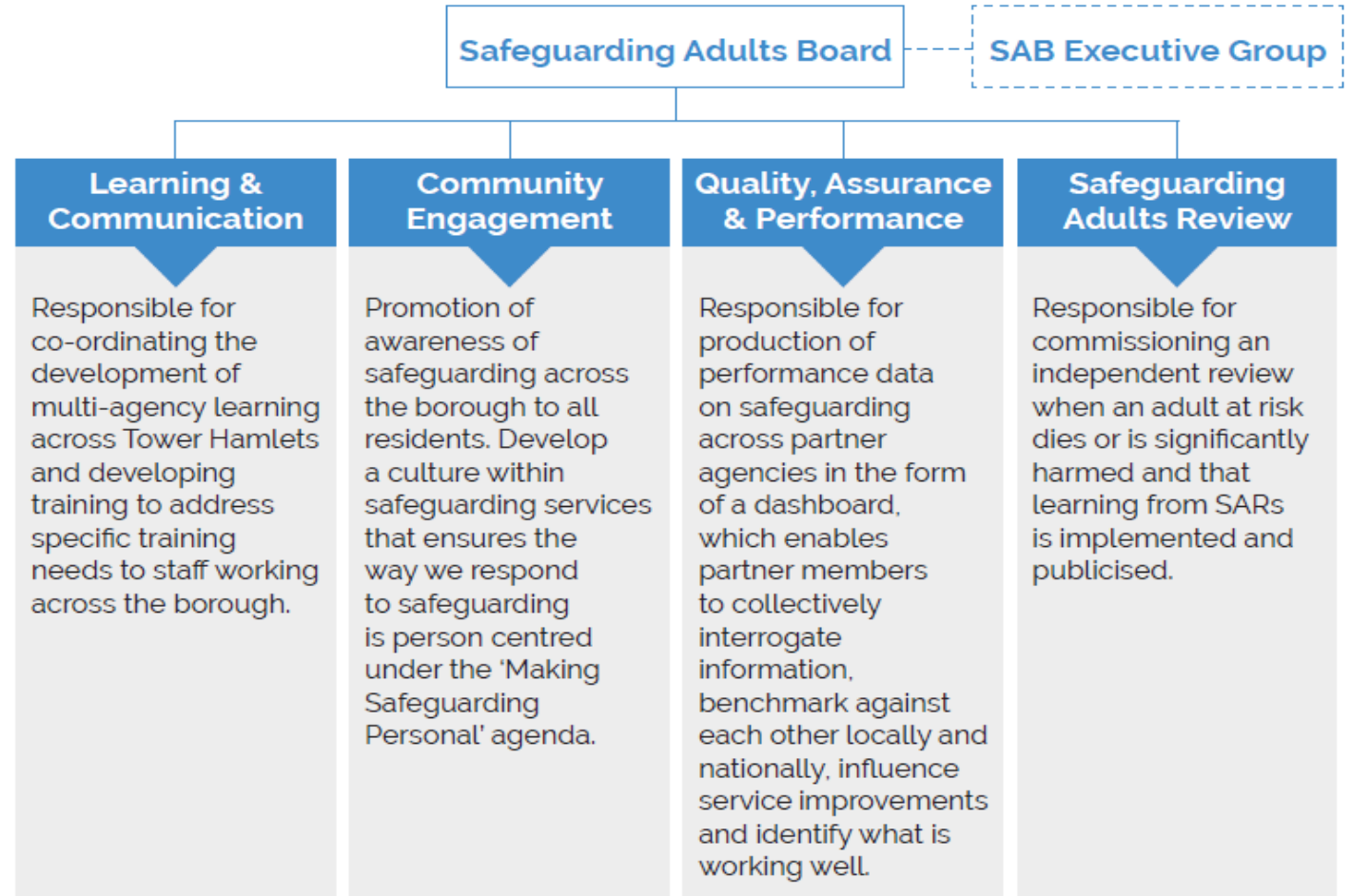
Structure

The Tower Hamlets Safeguarding Adults Board is supported by an Independent Chair to oversee the work of the Board, to provide leadership, offer constructive challenge, and work within the remits of the statutory guidelines. The core work of the Board is undertaken by the Sub-Groups and the Partnership Board Unit. The Partnership Board supports the operational running of these arrangements and manages the Board on behalf of the multiagency partnership. The Board facilitate joint working, ensure effective safeguarding work across the borough, and provide consistency to our partner members.

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Governance

The Board has four sub-groups that assist the board in meeting its obligations as set out in the Tower Hamlets Safeguarding Adults Board Strategy 2019-24. The sub-groups are chaired by partners from agencies which represent the SAB and meet on either a bi-monthly or quarterly basis. The sub-groups each have their own work programme, the monitoring of which is undertaken by the Adults Safeguarding Governance and Strategy Manager.



Strategic Boards linked to the Safeguarding Adults Board



The Safeguarding Adults Board has strengthened its relationship with other partnership boards – the Chair of the Board sits on the Community Safety Partnership and Prevent Board to ensure integration of safeguarding issues.



The Health and Wellbeing Board (HWB) is a statutory body introduced under the Health and Social Care Act 2012 to promote integrated working among local providers of healthcare and social care. The board brings together the NHS, the local authority and Healthwatch to jointly plan how best to meet local health and care needs, to improve the health and wellbeing of the local population and reduce health inequalities.

From 2022, the new formation of the Integrated Care Boards (ICBs) and Integrated Care Partnerships (ICPs) allowed local health and care leaders to join up planning and provision of services between the NHS and local authorities to help deliver more person-centred and preventative care.



The Children and Social Work Act 2017 introduced significant changes to the safeguarding landscape in England, including the replacement of Local Safeguarding Children Boards with new local safeguarding partnerships led by three safeguarding partners – the Local Authority, Clinical Commissioning Group and Police. The vision of the partnership is that the statutory partners, wider relevant agencies, community and voluntary sector and residents work together to ensure that everyone does everything they can to ensure that all Tower Hamlets children and young people are safe, supported and successful.

Tower Hamlets Community Safety Partnership

The Community Safety Partnership (CSP) is a requirement of the Crime and Disorder Act 1998. The partnership is made up of representatives from the police, local authorities, fire and rescue authorities, health services, and probation services. The Partnership is required by law to conduct and consult on an annual strategic assessment of crime, disorder, anti-social behaviour, substance misuse and re-offending within the borough and the findings are then used to produce the partnership's Community Safety Plan. There is a strong link between the Safeguarding Adults Board and the Community Safety Partnership Board; the Violence against Women strategy was refreshed in 2019, reflecting a Safeguarding Adults Board priority to prevent domestic abuse.

The Counter Terrorism & Security Act 2015 places a legal duty on specified authorities (including the local authority) to consider the Prevent

Strategy when delivering their services. The legislation contains a duty on specified authorities to have due regard to the need to prevent people from being drawn into terrorism. This is also known as the Prevent duty.

The Prevent Board is responsible for the statutory oversight of the delivery of the Prevent Strategy by the local authority. The board also has oversight of the functions of the Channel Panel and the multi-agency arrangements for the safeguarding of vulnerable individuals from radicalisation.



Glossary



Abuse: includes physical, sexual, emotional, psychological, financial, material, neglect, acts of omission, discriminatory and organisational abuse

Advocacy: support to help people say what they want, secure their rights, represent their interests and obtain services they need. Under the Care Act, the local authority must arrange for an independent advocate to represent and support a person who is the subject of a safeguarding enquiry or a safeguarding adult review if they need help to understand and take part in the enquiry or review and to express their views, wishes, or feelings

Care Act 2014: came into force in April 2015 and significantly reforms the law relating to care and support for adults and carers. This legislation also introduces a number of provisions about safeguarding adults at risk from abuse or neglect. Clauses 42-45 of the Care Act provide the statutory framework for protecting adults from abuse and neglect

Deprivation of Liberty Safeguards (DoLS) 2009: aims to make sure that people in care homes and hospitals are looked after in a way that does not inappropriately restrict their freedom. Part of the Mental Capacity Act 2005.

Domestic Homicide Reviews (DHR): a multi-agency review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by a person to whom they were related or with whom they were, or had been, in an intimate personal relationship, or a member of the same household as themselves.

Making Safeguarding Personal (MSP): an approach to safeguarding work which aims to move away from safeguarding being process driven and instead, to place the person at risk at the centre of the process and work with them to achieve the outcomes they want.

Mental Capacity Act (MCA) 2005: is designed to protect and empower people who may lack the mental capacity to make their own decisions

about their care and treatment. It applies to people aged 16 and over.

Safeguarding: activity to protect a person's right to live in safety, free from abuse and neglect. It involves people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that their wellbeing and safety is promoted.

Safeguarding Adult Board (SAB): a multi-agency partnership Board established by the Care Act 2014, which has a duty to publish a strategic plan, publish an annual report and conduct any Safeguarding Adult Reviews. Its core membership includes the Local Authority, Police and Health.

Safeguarding Adult Review (SAR): a statutory review commissioned by the Safeguarding Adults Board in response to the death or serious injury of an adult with needs of care and support (regardless of whether or not the person was in receipt of services) and it is believed abuse or neglect was a factor. The process aims to

identify learning in order to improve future practice and partnership working.

Safeguarding Enquiry: An enquiry is any action that is taken (or instigated) by a local authority, under Section 42 of the Care Act 2014, in response to indications of abuse or neglect in relation to an adult with care and support needs who is at risk and is unable to protect themselves because of those needs

Tower Hamlets Together (THT): made up of a partnership of local health and social care organisations, with an ambition to improve the health and wellbeing of people living in Tower Hamlets.

Integrated Care Partnerships (ICPs) changed from Clinical Commissioning Groups in July 2022. This was a significant change for the footprint in terms of health commissioning and quality assurance and there have been progress meetings across the now eight borough and three borough footprint.



What to do if you are worried about an adult



If you think you or someone you know is being abused or neglected, you should call the telephone hotline on **0300 303 6070**.


You can also email enquiry@towerhamletsconnect.org



You can also visit your local library, Idea Store or leisure centre during opening hours where staff can help you to report abuse.

If you think a crime has been committed and it's an emergency, you should call **999**. For non-emergencies call 101.



<p>Cabinet</p> <p>25th October 2023</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Raj Mistry, Corporate Director Communities</p>	<p>Classification: Unrestricted</p>
<p>Proposed Additional Licensing Scheme for Houses in Multiple Occupation</p>	

Lead Member	Councillor Kabir Hussain, Cabinet Member for Environment and Climate Emergency
Originating Officer(s)	David Tolley – Head of Environmental Health and Trading Standards
Wards affected	All wards
Key Decision?	Yes
Reason for Key Decision	Significant impact on wards
Forward Plan Notice Published	23 May 2023
Exempt information	None
Strategic Plan Priority / Outcome	Providing Homes for the Future

Executive Summary

The purpose of this report is to outline the proposed renewal designation for an Additional Houses in Multiple Occupation Licensing Scheme for properties in multiple occupation within the Borough, following on from a public consultation.

The proposal is to designate the whole Borough as an Additional Licensing scheme including those previous excluded areas of Weavers, Whitechapel, and Spitalfields and Banglatown where a ‘selective’ housing licensing scheme is currently in operation.

The report also covers proposed standard conditions imposed on each licensed property, the revised rental property standards to be adopted and the fee structure for a licence.

This scheme, if agreed will improve the physical standards within relevant properties in relation to fire safety, health and safety issues including damp and mould and overcrowding. A licensing scheme will help to regularise the HMO market, supporting renters and landlords but holding non-complaint landlords to account.

This scheme will assist with delivering social and health benefits for renters across the whole Borough who live in multi-occupied premises.

It is proposed, if agreed, that the designation will come into force, following statutory notification requirements on the 1st April 2024 for a period of five years.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Note the results of the consultation undertaken in relation to the proposed Additional Licensing Scheme as summarised in the report.
2. Designate all wards in the Borough as subject to Additional Licensing under section 56(1) of the Housing Act 2004 in relation to multiple-occupied properties occupied by three or more persons in two or more households where some or all the facilities are shared. Such designation to take effect from 1st April 2024 and to last for five years unless revoked before then.
3. Agree the fee structure for the Additional Licensing Scheme as set out in the report, with the fees being determined during the budget setting process for 24/25. The application fee will be apportioned for administrative and enforcement costs.
4. Agree the Additional Licensing Scheme licence conditions, fit and proper person protocol and private rental property standards as detailed for adoption at the commencement of the new designation. The revised private rental property standards, revised conditions and fit and proper person protocol will also apply as necessary, to the mandatory Houses in Multiple Occupation, current Additional Licensing and Selective Licensing schemes from the 1st January 2024.
5. To delegate the Corporate Director Communities authority to issue the required statutory notifications in relation to the commencement of the Additional Licensing Scheme designation.
6. To agree that there are no exemptions apart for the statutory exemptions.

1 REASONS FOR THE DECISIONS

- 1.1 The proposed Additional Licensing scheme is an adoptive housing licensing scheme for the private rented sector (PRS) which the Council can adopt. The scheme is for Houses in Multiple Occupation (HMOs) only and the whole Borough or parts of the Borough can be designated accordingly. The Housing Act 2004 gives the Council the power to introduce the proposed Additional Licensing scheme to improve standards of management and conditions within the PRS.

- 1.2 The continuance and extension of this licensing scheme will enable the Council to impose a legal requirement, in the designated area, on all landlords to apply for a licence for each property they rent out which meets the criteria specified in the designation and comply with specific licence conditions, thus giving the Council more power to tackle irresponsible letting of properties.
- 1.3 In addition, improving physical standards and the quality of management in the PRS will deliver social and health benefits as discussed in the Mayhew evidential report. The links between poor health through damp and mould and overcrowding are well established. An improved PRS sector will have an impact across many different partner organisations.
- 1.4 Licensing assists in encouraging stable and long-term tenancies to the benefits of landlords and tenants. Benefits include but are not limited to:
 - Responsible landlords gain clarity of their role in raising property and tenancy management standards while we take action against those who flout their legal responsibilities.
 - Tenants are clear on what they expect from the homes that they rent and the landlords they rent it from.
 - All parties are clear on the minimum standards expected within multi-occupied premises.
 - A simpler enforcement regime continues to cover all HMOs.
 - Property owners and managers are known and it is easier to resolve complaints.
 - The improvement of the housing standards may help meet the Public Sector Equality Duty for the council. For example, it will advance equality of opportunity of the people who live in HMO and PRS. That may also foster good relations between those who live in HMO and PRS, and those who do not, in the borough.
- 1.5 Prior to designating an area for Additional Licensing, the Council must consult with interested groups such as landlords, tenants, letting agents, industry associations and other interested parties. A consultation exercise has been undertaken.
- 1.6 The Additional Licensing Scheme attracts a licence fee for each property and the scheme is self-financing.
- 1.7 The PRS serves a diverse population of tenants and privately rented properties range from luxury apartments to large, shared houses and flats. The landlords also vary from individuals with one or two properties to large companies.
- 1.8 Over the past five years we have started to build up a comprehensive register of HMOs and have been able to: deal with tenants' complaints effectively; ensure landlords are aware of the standards they need to meet; and have carried out visits to high-risk properties.

- 1.9 HMOs, which can include flats, are very often the properties where the worst housing conditions exist, where some of the most vulnerable people in the community live, and which are operated by some of the worst landlords. We have shown in the Mayhew report and MEL Research consultation report that some improvements have been made in the sector. However, we need to continue using Additional Licensing as an effective tool to raise standards and improve local neighbourhoods.

2 ALTERNATIVE OPTIONS

- 2.1 The Additional Licensing scheme is an adoptive power that the Mayor has under the Housing Act 2004. A view can be taken not to renew the extended Additional Licensing scheme and permit the current scheme to come to a natural end. This would mean that no more licences under the existing additional licensing scheme would be issued and as the existing licences expire, all requirements and conditions associated with the licence would fall away. This would mean that the only licensing scheme for HMOs would be the mandatory licensing.
- 2.2 There is also the option to retain the scheme in its current format and not extend its reach into the current selective licensing area i.e., Weavers, Whitechapel, Spitalfields and Banglatown.
- 2.3 There is the option to use the current existing powers under part 1 of the Housing Act 2004 which does not rely on licensing. Using these powers, the Council would only intervene on a complaint basis. This is reactive and has no strategic intervention objectives, there could also be under reporting of complaints due to the fear of retaliatory evictions.
- 2.4 The Council could rely upon voluntary accreditation. This would tend to attract the responsible landlords and be ignored by the irresponsible. There is not a strong incentive for irresponsible managing agents or landlords to join.

3 DETAILS OF THE REPORT

- 3.1 HMOs are of considerable concern in many parts of the Borough because of the unacceptably poor standards, impacts on neighbouring residents and the criminal behaviour of some landlords that puts lives at risk. The Housing Act 2004 has given the Councils the powers to introduce additional licensing for smaller HMOs to improve the living conditions for tenants and the local community in certain circumstances. It also provides those wishing to rent out property, landlords and managing agents with a clear expectation of the standards that are required. The Council adopted the current scheme in April 2019 which expires at the end of March 2024. There has been an opportunity to review the current scheme and consider its extension across the whole Borough.

- 3.2 We have currently received 6,608 additional licensing applications. There is also a mandatory HMO scheme which landlords need to comply with. This is the national and non-adoptive scheme and covers larger HMOs that have five or more renters from at least two different households. This scheme also exempts purpose-built blocks of flats, which contain a significant proportion of the housing in Tower Hamlets. These purpose-built blocks of flats will be covered by the proposed additional licensing scheme.
- 3.3 As part of the preparation for the statutory consultation into considering the future of the additional licensing scheme, the council commissioned a report from Mayhew Harper Associates Ltd to review the current scheme. This report is at Appendix One.
- 3.4 The Mayhew Harper report highlighted approximately 43,000 homes are in the private rented sector, of which approximately 15,000 homes belong to one of the current housing licensing schemes in operation – selective, additional and mandatory. The review found that the significant task of improving standards has made progress but the size of the task continues to grow and remains challenging. The review identified that the licensing schemes are well targeted, although it is recognised that some HMOs which should be licensed may yet be escaping scrutiny. This could be the effect of the Covid-19 pandemic whereby services were disrupted for about 18 months. The report recognises that if the scheme is to be extended from 2024 it needs to be adequately resourced.
- 3.5 The statutory consultation took place for 14 weeks from 12th December 2022 to 31st March 2023. The consultation was managed by M.E.L Research who reported back at the end of April 2023. Section 56(3) of the Housing Act 2004 states that prior to designating areas subject to licensing must:
- Take reasonable steps to consult persons who may be affected by the designation.
 - Consider any representations made in accordance with the consultation.
 - The Local Authority must consider that a significant proportion of the properties in multiple occupation, of those properties that come within the scope of the scheme, are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the multi-occupied property or for members of the public.
 - Have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area.
 - Consider whether there are any other courses of action available to the Council that might provide an effective method of dealing with the problem.
 - That the making of the designation will significantly assist the Council to deal with the problem.

3.6 Examples of properties being managed sufficiently ineffectively and therefore having a detrimental effect on an area are:

- Where the external condition and curtilage adversely impacts on the general character and amenity of the area.
- Where the HMO has not been set up to meet the needs of the number of people living there, for example, because it lacks adequate fire precautions, insufficient kitchen, bathroom or toilet amenities, bedrooms are undersized, etc.
- Where the internal condition, such as poorly maintained amenities, leaks, damp and dirt, pest infestations or overcrowding adversely impacts on the health safety and welfare of the tenants and the landlords are failing to take the appropriate remedial action.
- Where there are significant and persistent problems of anti-social behaviour affecting other residents and/or the local community and the landlords are not taking steps to address the issues.
- The lack of management or poor management skills or practices is otherwise adversely impacting on the health, safety and welfare of the tenants and /or the wider community.

3.7 At least a 10-week consultation is required under the General Consent for Additional Licensing Schemes. A 14-week public consultation began on the 12th December 2022 until the 31st March 2023 by an independent consultation agency M.E.L Research.

3.8 The Additional Licensing Scheme consultation consisted of a covering report detailing the action we have undertaken during the current scheme, the benefits of the scheme and the reasons and evidence for the Boroughwide proposal. The consultation document can be reviewed at Appendix Two. In addition, the consultation included the review undertaken by Mayhew Harper Associates, the fit and proper person test (Appendix Three), the review of the property amenity standards (Appendix Four) the draft licence conditions which have been updated after the consultation comments (Appendix Five) and general ward data (Appendix Six)

3.9 The proposed scheme is estimated to cover 9,000 HMOs. The Additional Licensing scheme would ensure that the responsibility for the HMO property management lies with the landlord. The licensing process would require the landlord to:

- a) Complete and submit an application form to the Council together with an application fee. The form would require information such as the size of the property, the available amenities as well as details of safety measures that have been put in place, such as the type and installation of a fire detection system.

In order to demonstrate competent property management, the landlord will need to provide evidence on application of the following: ,

- b) Annual gas safety certificate (where applicable)

- c) Electrical installation condition certificate in the last 5 years and a portable appliance test certificate
- d) An automated alarm system in the event of fire, and if appropriate emergency lighting
- e) Evidence of arrangements which demonstrate competent property management – management records and copies of tenancy agreements.
- f) The suitability of management structures and adequacy of management structures
- g) Floor plan with room sizes and uses clearly shown.
- h) Copy of the Energy Performance Certificate where this applies.
- i) Current occupancy details
- j) The proposed licence holder and manager of the property will be required to make a declaration that they are fit and proper persons. The decision on whether they are in fact fit and proper persons to be involved in the licensing and management of the HMO will be made by officers. The completed application will be reviewed, and a licence may be granted with conditions prior to an inspection taking place.

3.10 The proposed scheme would cover the whole Borough and would cover:

- Any HMO of two or more storeys, occupied by three or more persons in two or more households and where some or all the facilities are shared or missing.
- Any flat in multiple occupation which is occupied by three or more persons in two or more households and where some or all facilities are shared or missing.
- Any HMO of two or more storeys with a resident owner and occupied by three or more persons in two or more households and where some or all facilities are shared or missing.
- Any flat with a resident owner and occupied by three or more persons in two or more households and where some or all facilities are shared or missing.
- Any buildings which have been converted into and consist of self-contained flats only and which does not comply with the 1991 Building Control Regulations and less than two thirds of the flats are owner occupied.
- Any house of two or more storeys comprising both self-contained and non-self-contained units of accommodation occupied in aggregate by three or more persons in two or more households (not including a resident owner), some who share or lack one or more basic amenities such as a bathroom, toilet or cooking facilities.

3.11 The objectives of the proposed licensing scheme is detailed below:

- to support and ensure landlords continue to improve the conditions and management of HMOs across the borough and that they are made aware of the standards required with managing property within Tower Hamlets,
- to enable the identification and potential inspection/audit of HMOs over the licensing period to ensure standards are met,
- to support renters so that they are aware of the standards that they can expect and help when things go wrong,
- Promoting engagement with landlords, tenants and agents with an involvement with HMOs
- to complement other housing initiatives that the Council undertakes, such as fuel poverty and cost of living, and to work with landlord and renters' organisations to promote safe and compliant homes,
- to continue with an active enforcement programme against criminal and exploitative landlords and agents,
- to ensure all residential letting agents are fully compliant with consumer protection and rights legislation,
- to ensure that the sector funds its own regulation
- assisting with raising standards in the private rented market in relation to health, safety and welfare of the occupants – thus reducing the need for expensive intervention strategies.
- helping to improve standards of fire safety which are a particular problem in HMOs, benefitting HMO tenants and people who live in neighbouring properties.
- enabling local residents, occupiers or potential occupiers to inform the Council of any HMOs which they think need a licence but do not have one.
- preventing overcrowding by setting limits as to the number of permitted occupiers.
- assisting with reducing any associated detrimental impacts upon local neighbourhoods and reducing the number of complaints
- helping to prevent exploitation of tenants by ensuring that they are issued with lawful tenancies and are aware of their rights, keeping people secure in their homes and preventing illegal evictions.
- making sure that HMOs can take their proper place among other dwelling types in the housing market, and that they are not a choice of last resort.
- It is considered that the improvement of the housing standards will help meet the Public Sector Equality Duty - eliminate discrimination, harassment and victimisation; advance equality of opportunity, and; foster good relations between the residents.

3.12 The consultation consisted of an online survey available on the Council's consultation web pages. The survey was accompanied by information on the scope of the scheme in relation to the properties covered, the fee structure, the fit and proper person protocol, licence conditions and the property amenity

standards. The following activities were undertaken to encourage completion of the online survey and to gather views.

- Letters to all licence holders
- Letters to all properties that are subject to a licence.
- Letters to known managing agents.
- Notification to neighbouring Councils
- Notification to London Councils
- Landlord and Letting agent's groups/organisations.
- Inclusion in the Members Bulletin
- Renter's groups and organisations
- Evening Standards newspaper article
- The Metro newspaper article
- Docklands and East London Advertiser article
- Tower Hamlets twitter
- Tower Hamlets Facebook
- Tower Hamlets LinkedIn
- Internal Council Teams
- Online survey
- 4 online public meetings
- Written responses
- Stakeholder interviews
- Face to face survey across the borough

3.13 The consultation responses are found in Appendix Seven, where the summary of the responses is outlined. There were 166 responses to the online survey, 296 responses from the face-to-face interviews, 51 participants in the public meetings, 6 formal written responses and 8 stakeholder interviews.

3.14 The headline results from the consultation demonstrated that:

- 72% agree with the renewal of an additional licensing scheme.
- 70% agree that the scheme should be boroughwide.
- 78% agree that the space standards are reasonable.
- 76% agree the kitchen facility standards are reasonable.
- 75% agree that the washing facilities/toilet facilities are reasonable.
- 43% agree with the proposed licensing fee structure – 32% felt it was unreasonable with 20% with no view.

3.15 In order to introduce additional licensing, the Council must consider that a significant proportion of the HMOs falling within the a description in the designation in the designated area are being managed sufficiently ineffectively

so as to give rise or to be likely to give rise to one or more particular problems either for those occupying the properties or for members of the public.

- 3.16 The independent evidence collected by Mayhew Harper Associates states that their main recommendation is that *'the scheme be extended Boroughwide and for a further five years from 2024 but that the scheme is adequately resourced'*. The report also notes within its conclusion *'the evidence shows that Additional Licensing has been effective in establishing take-up among the high-risk HMOs. For example, we saw that properties are much more likely to have an Additional licence if they have been reported for call centre or noise complaint, housing hazards or if an improvement notice has been served.'* The analysis of the indicator data provided to Mayhew and Harper (Energy Performance Certificates, Service Requests, Warning letters, noise complaints pest infestations, housing complaints and notices) *that properties are 2.9 times more likely to have an additional licence if they are the subject of a call centre complaint, 2.3 times if a noise complaint, 1.4 times for housing hazards and 1.1 times if a notice has been served . Again, suggesting the scheme is capturing a majority of the at-risk properties with the greatest number of problems.*
- 3.17 In relation to extending the additional scheme boroughwide, Mayhew and Harper carried out an analysis of the wider PRS at ward level using the indicators analysed above – whether being part of the PRS can be correlated with more reports of hazards, warning letters etc. The overall results showed that those wards that are high in PRS properties are more likely to suffer management problems. The proposal to extend the additional licensing scheme to Weavers, Whitechapel and Spitalfields & Banglatown areas has a good foundation as it was demonstrated that these areas are in the top 7 problematic wards for the PRS.
- 3.18 The MEL consultation identified in the online survey that 91% of responders agreed that landlords have a responsibility to manage their properties effectively, with more than half 58% agreeing that poorly-managed privately-let properties are contributing to the decline in some areas of Tower Hamlets. However, less than half 45% feel that flats/privately let HMOs are contributing to the decline of some areas of Tower Hamlets, with 40% disagreeing.
- 3.19 There were several in-depth responses and suggestions from external agencies that were consulted. Officers have reviewed these comments and have provided a response summary within Appendix Eight. In general summary the Council Teams were in favour of additional licensing and, the Police were also in support of any form of regulating the private rented sector to improve conditions. Tenancy groups such as Justice for Tenants and Shelter were also in favour. Landlords/agent groups such as Safeagent and the NRLA were more

concerned about the scope of the scheme and both suggested it would be more beneficial and practical for the Council to take a more targeted approach rather than a broad-brush approach.

- 3.20 During the consultation comments were made on the pool of standard licence conditions that were consulted upon. These comments have been reflected upon and the conditions refreshed and update to reflect some of the comments made. The new revised conditions are at Appendix Five.
- 3.21 It is proposed to continue with the fee structure detailed within the consultation and outlined in Appendix Nine, whereby the fee is set annually through the fees and charges setting process, additional fees are applicable for postal applications and where the applicant fails to submit all relevant documentation.
- 3.22 The fee structure has been calculated to ensure cost recovery and considering our experience for running adoptive licensing schemes since 2016. The fee must only cover the work to manage the scheme and is ring fenced to the scheme. It is recognised that those landlords that must be chased to apply or are non-compliant will tightly have to pay more due to the additional costs in dealing with them. The current fee structure is progressive and is a deliberate policy to try to ensure the licensing of rented property is made in a timely way, thereby avoiding additional costs to the Council. It is also recognised that the sector provides a valuable service to the residents and we would not want to see additional costs passed onto the renters.
- 3.23 The fit and proper person protocol and the property amenity standards detailed the set standards and facilities that need to apply to those managing a rented property and to the property itself. During the consultation the property amenity standards were in general agreement and there is no expectation to change these.
- 3.24 Section 57 and 81 of the Housing Act 2004 require the Council to identify how an Additional Licensing Scheme will improve an area and how the designation will work alongside other existing policies or measures already being taken. The Council will have to show how such a designation will be part of the overall strategic boroughwide approach and how it fits with the existing policies on:
- Homelessness
 - Empty Homes
 - Regeneration
 - Anti-social Behaviour
 - Role of Partners

- 3.25 The Council must consider whether there are any other courses of action available that may provide an effective method of achieving the objectives that the designation is intended to achieve and how the designation will significantly assist the Council in achieving the objectives.
- 3.26 The evidence has been provided with the Mayhew and Harper Associates Review, along with the M.E.L Research consultation and the considerations within paragraphs 3.24 and 3.25 were considered within the consultation document.

4 EQUALITIES IMPLICATIONS

- 4.1 The equalities Impact assessment has been reviewed considering the proposal at Appendix Ten and no adverse issues have been identified.
- 4.2 Through a landlord's compliance with specific licensing conditions there will be an indirect but positive secondary impact upon those tenants living in the private rented sector. This will be derived through raising the housing standards in relation to health, safety and welfare of the occupants of those who are living in multi-occupied premises.
- 4.3 It is expected that the improvement of the housing standards may help meet the Public Sector Equality Duty for the council, i.e. eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations between the residents.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.
- 5.2 Best Value: The Council is fulfilling its best value duty by considering that those landlords that impose a cost on managing the private rented sector contribute financially to its regulation.
- 5.3 Risk Management: If the scheme is not introduced legally, following the steps laid down in guidance, there is a risk of challenge from third parties.

- 5.4 Crime Reduction: The scheme , through the licence conditions and additional powers that is provides has a downward pressure on the number of anti-social behaviour incidents and complaints.
- 5.5 Safeguarding: A potential outcome of the additional licensing scheme may be to enhance safeguarding provisions for children and adults within rented accommodation. Any action that improves the living conditions and tenancy security of renters would have an impact on their wellbeing. Visits to properties by regulators may highlight concerns around exploitation of renters which can be signposted to other agencies.
- 5.6 Environmental: The scheme assists with tackling damp and mould in properties thus increasing insulation, this will mean that the amount of energy to heat homes will be reduced, thus reducing the overall carbon footprint of the property.
- 5.7 Consultation: A broad statutory consultation has been undertaken reaching all stakeholders involved with the private rented sector to garner their views on the continuation and extension on the Additional Licensing scheme for a further five years.
- 5.8 Data Protection: The legislation setting out the provisions of the Additional Licensing scheme required a public register of all landlords that hold and Additional Licence to be compiled. A public register will be disclosed on request with a shorter redacted register published online.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report is seeking approval to designate the whole Borough as an Additional Licensing scheme including those previous excluded areas of Weavers, Whitechapel, and Spitalfields and Banglatown where a 'selective' housing licensing scheme is currently in operation following a consultation exercise.
- 6.2 All costs associated with conducting the consultation process will be met from within existing Environment & Regulatory services budget provision.
- 6.3 License fees for HMO's form part of the fees & charges which are approved as part of the annual budget setting process. The fees are designed to cover the cost of administering the HMO scheme (full cost recovery). As a result, there will be no impact on the general fund budget from designating the whole Borough as an Additional Licensing Scheme.

7 COMMENTS OF LEGAL SERVICES

- 7.1 The Housing Act 2004 provides for Houses in Multiple Occupation (HMOs) to be licensed in certain circumstances. HMOs falling within a prescribed description must be licensed (mandatory licensing). So too must all HMOs in an area designated by the authority as subject to additional licensing if they fall within a description prescribed by the authority. This allows an authority to

exercise greater oversight of and control over smaller HMOs that would not otherwise be licensed.

- 7.2 S.56(1) allows a housing authority to designate all or part(s) of their area as subject to additional licensing. Where such a designation applies, all HMOs falling within the descriptions of HMOs in the designation must be licensed (subject to any applicable exemption). In order to make such a designation the authority must be satisfied that a significant proportion of the HMOs falling within that description are being managed sufficiently ineffectively as to give rise to, or be likely to give rise to, problems for the occupiers of those premises or to members of the public. S.56(5) requires the authority, in forming this opinion, to have regard to any information regarding the extent to which codes of practice under s.233 have been complied with by persons managing HMOs in area.
- 7.3 S.56(3) requires the authority to take reasonable steps to consult those who are likely to be affected by the proposed designation and to consider any representation made as a result of that consultation and which have not been withdrawn.
- 7.4 The exercise of the power must be consistent with the authority's overall housing strategy. The authority must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector. This applies with respect to combining Part 2 licensing with other courses of action open to the authority and to combining Part 2 licensing with measures taken by other persons.
- 7.5 The authority can only make a designation if it has considered whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem(s) in question and that making the designation will significantly assist them to deal with the problem(s) (whether or not they take any other course of action as well).
- 7.6 The authority's designation requires approval by the Secretary of State. The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 gives general approval to any additional licensing scheme where the s.56 consultation has lasted at least ten weeks.
- 7.7 When a designation has been made, it must be publicised in accordance with the requirements of s.59 and Regulation 9 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. The designation comes into force on the date specified in the designation, which cannot be earlier than three months after the date of the designation.
- 7.8 The designation will end on the date specified in the designation, which cannot be later than five years after the date on which the designation came into force. Whilst the designation is in force, the authority must review its

operation from time to time. If, having done so, the authority considers it appropriate to revoke the designation, it must do so. Any such revocation must also be published in the prescribed manner.

7.9 There is no statutory appeal against a decision of a local authority to designate some or all of its area as subject to additional licensing. However, such a decision can be challenged by way of a judicial review. Any such challenge would need to be made promptly and, in event, within three months of the date of the decision.

7.10 The proposed scheme extends into three wards which are already covered by a selective licensing scheme under Part 3 of the Housing Act 2004 (which expires on 30th September 2026). Part 3 is concerned with houses rather than HMOs specifically and it is permissible to have both schemes operating concurrently at any one time. A property that falls into both schemes will only need to be licensed under one and, in effect, the Part 2 scheme takes priority. However, it has been recognised that the introduction of the scheme could require existing Part 3 licensed properties to nonetheless be licensed under Part 2 as well. The proposed scheme therefore addresses that possibility and these are addressed in the options outlined in Appendix 2.

7.11 The principles of effective consultation require that: consultation be carried out when proposals are at formative stage; the consultees must be given sufficient and accurate information and reasons so as to allow for proper consideration; adequate time be given for responding; the fruits of the consultation must be conscientiously taken into account when making the decision.

7.12 Section 149 of the Equality Act 2010 requires the authority, in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act, to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and to foster good relations between those who share a relevant protected characteristic and those who do not. The relevant protected characteristics are age; disability gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. The duty must be complied with at the time that the decision under consideration is taken. It is not a duty to achieve a particular result.

7.13 The decision is an executive decision and has been identified as a key decision. The requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 being satisfied, the decision is one for the Mayor in Cabinet.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

Appendix One – Mayhew Harper Associated Ltd Review of Additional Licensing Scheme.

Appendix Two- Additional Licensing Consultation Document

Appendix Three – Fit and Proper Person Protocol

Appendix Four – Private Rental Accommodation and Amenity Standards

Appendix Five – Draft Additional Licensing Conditions

Appendix Six – Consulted Ward Data

Appendix Seven – M.E.L Research Additional Licensing Consultation Report

Appendix Eight – Responses to Written Comments from Consultation

Appendix Nine – Fee Structure

Appendix Ten – Equality Impact Screening Tool

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE.

Officer contact details for documents:

N/A

<p>Cabinet</p> <p>25 October 2023</p>	
<p>Report of: Jennifer Peters – Director Planning and Building Control/Interim Corporate Director Housing and Regeneration</p>	<p>Classification: Unrestricted</p>
<p>Tower Hamlets New Local Plan: Regulation 18 Consultation Draft</p>	

Lead Member	Councillor Kabir Ahmed, Cabinet Member for Regeneration, Inclusive Development and Housebuilding
Originating Officer(s)	Matthew Wong (Plan Making Manager) & Marissa Ryan-Hernandez (Head of Service for Strategic Planning)
Wards affected	All wards
Key Decision?	Yes
Reason for Key Decision	Significant impact on wards
Forward Plan Notice Published	08/09/2023
Exempt information	N/A
Strategic Plan Priority / Outcome	All priorities

Executive Summary

The Local Plan is the Borough’s most important planning document. It sets out a vision, strategic priorities, planning policy framework, including site allocations, that guides all development in the Borough. Its purpose is to help inform decisions on planning applications and to meet the Council’s national and regional planning policy duties, as well as local objectives as set in the Strategic Plan.

The preparation of a new Local Plan has been identified as a priority for the Council, to help manage the future population growth and meet the needs of existing and future residents and communities, as well as to respond to major planning policy changes that have taken place at a national and regional level since the current Local Plan was adopted in 2020.

Cabinet will be asked to approve the Regulation 18 Local Plan – Consultation Draft for statutory consultation. The Plan has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulation 2012, as amended. The draft Plan contains of a proposed vision and objectives for Tower Hamlets over the next 15 years to 2038, a spatial strategy, new planning policies and site allocations. These are being set out to promote sustainable development for a Borough that

continues to experience growth, and to plan for the opportunities and manage the challenges, that come with that growth.

The new Local Plan will assist in realising the economic, environmental, health and social objectives of the Council in building a vibrant and successful future for Tower Hamlets that benefits all residents, regardless of background or circumstances. The Local Plan will ensure that Tower Hamlets is taking a lead in ensuring that we build our Borough to benefit present and future generations.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the publication of the Regulation 18 – Tower Hamlets Draft Local Plan 2038: (Appendix 1) for formal consultation;
2. Approve the publication of the Regulation 18 – Tower Hamlets Draft Local Plan 2038: Integrated Impact Assessment (IIA) and other supplementary information, including draft evidence base studies (as Table 1) on the Council's website, at the Town Hall and other locations in accordance with the Council's Statement of Community Involvement, alongside the Tower Hamlets Draft Local Plan 2038.
3. Provide approval to make any amendments to the documents in advance of public consultation commencing. Any such amendments to be made through the delegated authority of the Corporate Director Housing and Regeneration in consultation with the Mayor.

1 REASONS FOR THE DECISIONS

- 1.1 The Cabinet is asked to agree with the officer's recommendations and approve the Draft new Local Plan document for formal consultation.

2 ALTERNATIVE OPTIONS

ALTERNATIVE OPTION A: NO CHANGE TO EXISTING LOCAL PLAN

- 2.1 The Council could decide not to prepare a new Local Plan at this time; however, this option is not advisable. Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review Local Plans at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. If a Local Authority does not have an up-to-date Plan, then it is likely that paragraph 11 of the NPPF will be triggered. This provides a “tilted balance” in favour of granting planning permission and could represent an opportunity for developers and landowners who are considering a speculative application.
- 2.2 Without a new Plan, the Council is not able to best respond to updates in planning legislation and national and regional guidance, specifically the Levelling Up and Regeneration Bill, the consultation draft National Planning Policy Framework and the 2021 London Plan. Specifically, it would not meet the requirements of Compulsory Purchase Act 2004 s24 and Town and Country Planning (Local Planning) (England) Regulations 2012 s21) regarding conformity with the higher order policies and specifically the spatial development plan (London Plan).
- 2.3 The Plan would not adequately be able to respond to any shifting local needs of the existing, as well as new and growing population. These communities are involved in and inform the new Plan through consultation and engagement which is key and required as part of Local Plan preparation (Town and Country Planning (Local Planning) (England) Regulations 2012 s18, 21).
- 2.4 Furthermore, any new or local policy direction would not be able to be robustly justified in the absence of up-to-date evidence, as is required when developing a new Plan (Town and Country Planning (Local Planning) (England) Regulations 2012 s8(2)).
- 2.5 In delaying the process of updating the Local Plan documents, there is a high risk that the Borough may not be able to fully plan or invest effectively for the additional new homes, jobs and infrastructure, such as schools, parks, health facilities and transport needed to meet the extra demand from a growing and changing population. As a result, the Council may not be able to maximise the social, economic and environmental benefits for our residents from development and to adequately support growth through infrastructure.
- 2.6 A fully up-to-date Local Plan will help in positively influencing the outcome of planning application decisions (delegated and at committee) and appeals, while also reducing the legal and financial risk of overturned appeals. These opportunities could be missed without the preparation of a new Local Plan in a timely manner.

ALTERNATIVE OPTION B: PARTIAL REVIEW OF EXISTING LOCAL PLAN

- 2.7 The Council could choose to respond by review of only those policies in the current Local Plan that relate directly to changes in legislation, to fulfil only legal and statutory requirements.
- 2.8 This option is not recommended for a number of reasons. Firstly, the vision contained in the adopted Local Plan (2020) no longer accurately reflects the future challenges, opportunities and aspirations of the Council and local community, as articulated in the Strategic Plan. As a result, it makes sense that a new vision for the Local Plan is prepared.
- 2.9 Secondly, the policies in the Local Plan should be read as a whole and should be considered together, as part of any review. It will be difficult to separate the policies out and argue that they are disconnected and have not, in some way, been affected by the numerous changes, including those to population and new government legislation and guidance.
- 2.10 Finally, the adopted Local Plan (2020) has been adopted at a time, where the social, economic, environmental, and political landscape was very different and much of the evidence base to support its policies is considered outdated. Global, national and local events have changed the Borough considerably since the last Local Plan was developed, and it is advisable to do a whole review, to ensure the Local Plan policies function as effectively as possible.

3 DETAILS OF THE REPORT

The need for a new Local Plan

- 3.1 The Council's current Local Plan "Managing growth and sharing the benefits", was adopted in 2020. It provides the planning policy framework for the Borough up to 2031. However, several objectives, policies and guidance contained in, and informing the Plan, are considered outdated, particularly due to changes in national and regional guidance, in particular the new Levelling Up & Regeneration Bill and the draft consultation National Planning Policy Framework.
- 3.2 Furthermore, there have been numerous global and local, social, environmental, political and economic shifts, for example, the impacts of the coronavirus pandemic, the impacts of Brexit and the cost-of-living crisis and the ambitions of the new administration.
- 3.3 There has also been new information gathered and released since the adopted Plan, most notably, the Census, which has shown that from 2011 to 2021, the population of Tower Hamlets increased by 22.1% from 254,100 to 310,300. This marks a significant proportional increase and represents the fastest population growth of any local authority in England. This population increase

together with the overall size of the Borough has Tower Hamlets being recorded as the most densely populated local authority area in England with 15,695 residents per km² - compared to the national average of 424 per km².

- 3.4 The planning powers for the parts of the Borough currently in London Legacy Development Corporation (LLDC) boundary, will be passed back to LBTH by the end of 2024. The LLDC, the local planning authority responsible for coordinating the growth and regeneration of the Queen Elizabeth Olympic Park and surrounding areas as part of the 2012 London Olympic Games legacy. These areas are Fish Island, Hackney Wick and Bromley-by-Bow.
- 3.5 Cumulatively, these trends, challenges and opportunities will have a significant impact on the Borough's housing, employment, town centres, infrastructure and environment for the next 15 years. As a result the Council has committed to the preparation of a new Local Plan as a priority, to respond to these changes.

Draft Local Plan – Preparation

- 3.6 The preparation of a new Local Plan must follow nationally set legal and procedural requirements that dictate: the stages of the plan preparation; who should be consulted and when; and what information is required to support the Local Plan. In particular, the new Local Plan must be prepared in accordance with the National Planning Policy Framework and must seek to meet the requirements of the London Plan.
- 3.7 The regulations also include the criteria against which the new Local Plan will be independently tested to ensure it is fit for purpose and 'sound' in planning terms. To be sound the new Local Plan must be:
- Positively prepared: for example that it positively seeks to meet the requirements of the London Plan;
 - Justified: that the policies in the Local Plan are supported by evidence and are reasonably justified;
 - Effective: that the policies in the plan can be delivered and have been formulated on the basis of effective joint working with partners; and
 - Consistent with national policy: that it has been prepared in accordance with the National Planning Policy Framework (NPPF)
- 3.8 The Council considers that the Draft Local Plan has been 'soundly' prepared in accordance with the appropriate legal and procedural requirements, including the requirements of the National Planning Policy Framework (NPPF 2012) and the Town and Country Planning (England) Regulations 2012, as amended.
- 3.6 The development of the Draft new Local Plan builds on a significant body of existing work, in particular the content of the Tower Hamlets Partnership Plan (Our Borough, our Plan) 2018-2023 which identifies the main pressures and priorities for the Borough and the policies in the existing Local Plan (2031: Managing Growth and Sharing the Benefits) adopted in 2020.

- 3.7 The Draft new Local Plan has been informed by early engagement that was held from January 2023 to March 2023. The Council's 6-week early engagement stage for the new Local Plan included a range of digital, interactive and accessible events to ensure maximum outreach across the community. Events were held both online and in-person and included promotion through social media, emails, website, newsletters, press notices and posters/leaflets. During this early engagement phase, the Council received over 6000 online visits across the 'Let's Talk' website and the interactive 'Story Maps' platform. The Local Plan engagement document was downloaded 500 times and cumulatively, there were 392 submissions to the project and approximately 115 attendees across the events.
- 3.8 To ensure a representative cross-section of the community was engaged, officers worked collaboratively with the council's communications team to plan specific activities and outreach. This included handing out flyers at Whitechapel Station, Idea stores, the Town Hall and at the East London Mosque. Officers also ensured continuous engagement with the Mayor's office and communications lead to ensure appropriate contact with members and hard-to-reach networks.
- 3.9 In addition, on-going discussions took place with both internal and external colleagues through individual meetings, and regular Internal/External Stakeholder Group meetings, including:
- **Mayor's office** – at the regular Planning meeting with the Mayor, where key updates, such as 'early engagement' and outputs have been presented, including the 'vision' for the Local Plan. The Mayor and the Cabinet Member for Regeneration, Inclusive Development and Housebuilding, have provided a steer on aspirations and policy direction to ensure alignment with the new Strategic Plan.
 - **Internally** – input of colleagues across the Council at the regular Local Plan Steering Group Meeting and regular Working Group Meetings held across each of the Plan's 10 policy theme areas. These discussions were followed by presentations to the DLT, CLT over recent months, followed by separate engagement with specific officers.
 - **Externally** – Greater London Authority, Transport for London, Historic England, London Boroughs of Newham, Greenwich, Hackney, City of London Corporation, London Legacy Development Corporation, neighbourhood forums, key landowners, Canal and River Trust, Network Rail, Environment Agency and Historic England.
- 3.10 The policies contained in the Draft Local Plan have been informed by findings from an updated and relevant evidence base to ensure that they are sound and justified, and able to be robustly defended at Examination in Public (EiP). The list of evidence is included below in Table 1. This will be published for public information, alongside the Draft Local Plan. The list below is not exhaustive and only includes newly commissioned Local Plan specific reports. The content of the Draft Local Plan is also informed by existing and emerging strategies and evidence produced by the Council and its partners.

Table 1: A list of Evidence supporting the Draft Local Plan

Project	Details
Integrated Impact Assessment (IIA)	Meets the requirements of the EU Directive on Strategic Environmental Assessment and Habitats Assessment, and also appraises health and equalities.
Employment Land Review (ELR)	Assesses supply and demand of employment land or floor space to inform Local Plan policies.
Town Centre Retail Capacity Study	Considers the health and capacity of the borough's town centres.
Local Housing Needs Assessment	Adds detail to the London Plan LHNA and identifies specific local housing need, in relation to market and affordable housing types, tenures and house size and the accommodation needs of specialist housing such as student housing
Strategic Flood Risk Assessment	Assesses the flood risk of our allocated sites, likely significant effects to certain sites in the Borough and what mitigation may be required in line with the requirements of the National Planning Policy Framework (NPPF).
Viability Assessment	Assesses the combined impact of Local Plan policies on development viability, to ensure the policies do not prevent development coming forward.
Infrastructure Delivery Plan	Identifies the infrastructure required to support growth, potential funding sources and timeframes for delivery.
Conservation Strategy	Provides a positive strategy for the management of the historic environment in line with the requirements of the NPPF.
Characterisation and Growth Strategy	Assesses the character of different areas of the borough, identify their suitability for growth, identify suitable locations for tall buildings, and set out area-wide visions in line with the requirements of London Plan Policy D1.
Views and Landmarks Study	Considers borough landmarks and views important to the community and in need of protection.
Inclusive Design Study	Provides analysis and context to ensuring the design of the borough's places and streets are inclusive.
Arts and Culture, Pubs in Tower Hamlets Study	Considers the arts and cultural make-up setting the basis for their promotion and protection as well as the existing pubs across the borough.
Site Capacity Assessment	Provide estimated housing capacities on potential site allocations within the new Local Plan.

Draft Local Plan – Content

- 3.11 The draft new Local Plan will cover a period from 2023 to 2038, for 15 years. The content of the new Local Plan reflects and responds to updates in national and regional planning policy; as well as any economic, social, environmental, and political changes; and also, any local direction and corporate priorities, as

set out in the Council's new Strategic Plan. The new Local Plan will be supported by new, updated and robust evidence including assessment of the communities' needs, as well as wide-reaching and effective consultation and engagement.

- 3.12 The Draft Local Plan vision and policies is focused on collectively aiming to achieving the following Strategic Objectives through new development in the Borough to 2031:
1. A clean and green future
 2. Mixed and inclusive communities to secure homes for everyone
 3. A thriving local and global economy that boosts jobs,
 4. Businesses and tackles inequalities
 5. Supporting young people and accelerating education
 6. Healthy, safe and inclusive neighbourhoods
 7. Securing infrastructure delivery
 8. Local identity, places and a representative borough
- 3.13 The structure and content of the Draft Local Plan is as follows:
- 1) Mayor's foreword
 - 2) Setting the scene
 - 3) Vision and objectives
 - 4) Policy areas:
 1. Delivering the Local Plan vision
 2. Clean and green future
 3. Homes for our community
 4. People, places and spaces
 5. Employment and economic growth
 6. Town centres
 7. Community infrastructure
 8. Biodiversity and open space
 9. Reuse, recycling and waste
 10. Movement and connectivity
 - 5) Site allocations
 - 6) Implementation and Monitoring
 - 7) Standards and Appendices
- 3.14 Chapters 2 and 3 provide details on consultation, followed by an introduction, context and vision and objectives. The introductory chapters note the importance of the Borough's existing 24 places to the character and identity of Tower Hamlets and strategically considers how future growth will take place at a sub area level, in four identified areas: City Fringe, Central, Lower Lea Valley and Isle of Dogs and South Poplar Sub-Areas. This is expanded on in greater detail in Chapter 5 with the site allocations.
- 3.15 Chapter 4 of the Draft Local Plan contains the strategic and development management policies, including the delivery of new affordable housing, as well as additional jobs and workspaces, improvements to public transport and walking and cycling infrastructure to meet the needs of both existing and new communities. It also includes design, heritage and environmental sustainability

which are essential to the creation of sustainable and liveable places, of which all our residents will be proud.

- 3.16 Chapter 3 links to the spatial approach introduced in the beginning of the document and elaborates on the approach by providing further details for each of the sub-areas and includes relevant site allocations.

Draft Local Plan – Formal Consultation

- 3.17 The regulation requires a six-week consultation period.
- 3.18 During this consultation period, a series of consultation events, including in person events, will be held for public participation in the new Local Plan preparation process. See Table 2.
- 3.19 Planning officers will work with the Mayor's office and the Communications team to ensure wide reach of the consultation. Key to informing and planning these events is to ensure inclusivity, to be able to capture the comments and ideas of all communities in the Borough.
- 3.20 The following events will take place to support the consultation:

'In person' stakeholder workshop/drop-in sessions:

- *The project team will host 'in-person' consultation sessions. This will ensure that those with limited access to online resources are able to provide feedback in person.*
- *In-person drop-ins will also be organised and hosted at council buildings or strategic locations such as the Tower Hamlets Town Hall, Idea stores and community centres, to engage stakeholders who are unable to attend the in-person consultation sessions, but would rather provide in-person feedback than online.*
- *Where community group leaders have been consulted and in-person events have been decided as the most effective methods of consultation, these will be arranged in collaboration with the relevant groups.*
- *Pop-up locations may be identified such as parks and community facilities. In-person consultation and post-it note feedback can be provided by passers-by who may not typically engage with council projects.*
- *The in-person consultation sessions will be advertised throughout the consultation period in the lead up to the date of the events with targeted emails, newsletter adverts, social media posts and posters, to ensure sufficient notice and reminders are provided to offer all residents and stakeholders the opportunity to engage.*
- *The Mayor and Tower Hamlet's Councillors will be encouraged to advertise and promote the Reg. 18 Local Plan consultation at their drop-ins and surgeries, inviting the residents from their wards to make*

representations via the various consultation methods outlined in this strategy.

- **When:** TBC

Online workshops:

- *The project team will host online consultation sessions via Microsoft Teams. This will ensure that those who are unable to attend any of the in-person sessions are given opportunities to provide feedback through online sessions.*
- *The online sessions will be advertised in the lead up to the date of the events with targeted emails, social media posts and posters, to ensure sufficient notice and reminders are provided to offer all residents and stakeholders the opportunity to engage.*
- **When:** TBC

Virtual drop-in sessions:

- *Virtual 'drop-in' sessions will be hosted via Microsoft Teams as well as the more structural workshop sessions, where LBTH officers will be available to answer any questions or queries and gather feedback.*
- *Details of the drop-in sessions will be circulated via the Local Plan mailing list as well as on the project Let's Talk Page and targeted social media posts.*
- *Online drop-in sessions aim to make engaging with the project as convenient as possible for those who may not be able to make any in-person events.*
- **When:** TBC

3.21 The Draft Local Plan (Appendix 1), the Integrated Impact Assessment (IIA) (Appendix 2) and other supporting documents will be published on the Council's website. The public and stakeholders will be able to make comments online, via an online consultation portal, email or by post. The website will contain details of the consultation activities, as far in advance as possible. **Please note:** the Reg 18 Draft Local Plan (Appendix 1) and Integrated Impact Assessment (IIA) are currently in draft, as minor changes to the draft Local Plan are ongoing. The full IIA will be provided for MAB prior to the Cabinet meeting with a final consolidated version then being provided for public consultation.

Draft Local Plan – Programme and next steps

3.22 A summary of the indicative Local Plan preparation timetable is set out in Table 3:

Table 3: Local Plan key stages

Local Plan Key Stages	Dates
Consult on the Draft Local Plan (Regulation 18)	November – December 2023
Publish the Proposed Submission Local Plan (regulation 19)	Summer 2024
Submission to the Planning Inspectorate	Winter 2024/25
Examination in Public*	Spring/Summer 2025
Adopt the new Local Plan	Winter 2025

*Subject to Planning Inspectorate

- 3.23 The Department for Levelling Up, Housing & Communities (DLUHC) have consulted on proposed reforms to the National Planning Policy Framework. These reforms propose the introduction of national development management policies, changes to the way policies are prepared and amending the requirements placed on Local Planning Authorities as part of the plan-making process. To ensure plans can still progress in the short term whilst the proposed reforms are subject to debate and implementation, DLUHC have set-out transitional arrangements that allow LPAs to submit their Local Plans by 30 June 2025 for independent examination under the existing legal framework. As per the above key stage programme, it is planned to submit the new Tower Hamlets Local Plan for examination in Winter 2024/25 to make use of the transitional arrangements.

4 EQUALITIES IMPLICATIONS

- 4.1 Relevant equality impact assessments will be carried as required as part of the new Local Plan preparation process. Such assessments are requirements set-out in the Town and Country Planning Regulations. The Regulation 18 Draft Integrated Impact Assessment can be reviewed at Appendix 2 (currently a scoping report. The full IIA will be provided for MAB prior to the Cabinet meeting with a final consolidated version then being provided for public consultation.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.

5.2 No other statutory implications.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no financial implications emanating from this report. The cost of preparing the new local plan has been met from growth approved as part of the budget setting process in 2022/23.

7 COMMENTS OF LEGAL SERVICES

7.1 The National Planning Policy Framework (“the NPPF”) was first published on 27 March 2012 and has been regularly updated since then. The most recent revision was on 20 July 2021. This sets out the government’s planning policies for England and how these are expected to be applied.

7.2 The NPPF advises at paragraph 15 that “(T)he planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

7.3 The NPPF further advises that local plan policies should be reviewed “at least once every 5 years and should then be updated as necessary”. The Council’s current Local Plan (“Managing Growth and Sharing the Benefits” was adopted in 2020 and it is therefore appropriate to review it and update it as necessary. The report highlights the options available to the Council (full review/partial review/do nothing), and no comment is made on these as the pros and cons of each are spelt out sufficiently to enable a decision to be made.

7.4 This Report seeks –

- 1) Approval of the Tower Hamlets Draft Local Plan 2038 for formal consultation – formal consultation is a statutory step required by Regulation 18 of Town and Country Planning (Local Planning) (England) Regulations 2012 (“the 2012 Regs”) which reads:

“Preparation of a local plan

18.—(1) A local planning authority must—

(a) notify each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare, and

(b) invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.

(2) The bodies or persons referred to in paragraph (1) are—

(a) such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;

(b) such of the general consultation bodies as the local planning authority consider appropriate; and

(c) such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations.

(3) In preparing the local plan, the local planning authority must take into account any representation made to them in response to invitations under paragraph (1)."

Whilst Reg 18 of the 2012 Regs details who should be consulted, the Council's Statement of Community Involvement (April 2019) recognises the importance of consultation. Paragraphs 3.11 + 3.12 read:

"3.11 - In line with national requirements, when preparing a new Local Plan we will make

consultation materials available at the Town Hall, on our website, and in local libraries. We will advertise the consultations through the local newspaper, and on

our website and social media channels. In addition, we will also contact all those

who are on our planning policy database with updates about consultations....

3.12. Where appropriate, we will consult using additional tools and methods such as working with established community groups and partnerships, and arranging public exhibitions and interactive workshop sessions. These methods will be more appropriate at the earlier stages of plan-making."

- 2) Approval of the publication of the final Regulation 18 Tower Hamlets Draft Local Plan 2038: Integrated Impact Assessment (IIA) and other supplementary information, including draft evidence base studies (as Table 1) on the Council's website alongside the Tower Hamlets Draft Local Plan 2038 – any document that is to be made available to the wider public should be published on the Council's website. Regulation 35 of the 2012 Regs states:

"Availability of documents: general

35.—(1) A document is to be taken to be made available by a local planning authority when—

(a) made available for inspection, at their principal office and at such other places within their area as the local planning authority consider appropriate, during normal office hours, and

(b) published on the local planning authority's website."

Picking up on the availability of material, the Council's Statement of Community Involvement is clear that publication on the Council's website will not be the sole avenue of publication and the suggested recommendation, when coupled with commitments within the Statement of Community Involvement, will ensure that publication meets the required standards.

Making this documentation available will ensure informed and meaningful engagement, ensuring that contributions and representations can be specifically focussed, enabling the Council to respond accordingly. It bears all the hallmarks of open, transparent consultation.

- 3) Provide approval to make any amendments to the documents in advance of public consultation commencing. Any such amendments to be made through the delegated authority of the Corporate Director of Housing and Regeneration in consultation with the Mayor.

7.5 At this stage, the Tower Hamlets Draft Local Plan 2038 is very much in its formulative stages. Cabinet is being asked for authority to start the process of formal consultation for a period of 8 weeks. Legislation requires a minimum of 6 weeks, but 8 weeks is appropriate, taking into account vacation periods, and to ensure that consultation is as extensive as possible.

7.6 It is inevitable that amendments will be required and appropriate that these are delegated to officers to deal with. Broadly speaking, the Council's Constitution delegates the day-to-day work on matters such as this to officers, reserving Cabinet/Council involvement for specific steps. It is appropriate that such a delegation be exercised by the Director of Housing and Regeneration. It is noted that any such exercise of the delegation will be in consultation with the Mayor.

7.7 The Reg 18 consultation is but an early stage in the preparation of a local plan. The consultation will enable representations to be made on the draft local plan and for each of these representations to be considered before the Council can look at moving onto the next stage of the process which will involve further involvement and approval by Cabinet/Council prior to submitting the draft local plan to the Secretary of State for Levelling-Up, Housing and Communities for examination in public.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1. Tower Hamlets Regulation 18 Draft New Local Plan
- Appendix 2. Tower Hamlets Regulation 18 Draft Integrated Impact Assessment - Scoping Report
- Appendix 3. Local Plan Regulation 18 Consultation Strategy

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None.

Officer contact details for documents:

Matthew Wong

Matthew.Wong@towerhamlets.gov.uk

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<p>Cabinet</p> <p>25 October 2023</p>	
<p>Report of: Jennifer Peters, Director of Planning and Building Control</p>	<p>Classification: Unrestricted</p>
<p>Transfer of town planning powers from the London Legacy Development Corporation to Tower Hamlets</p>	

Lead Member	Councillor Kabir Ahmed, Cabinet Member for Regeneration, Inclusive Development and Housebuilding
Originating Officer(s)	Paul Buckenham Head of Development Management
Wards affected	Bow East and Bromley North Wards
Key Decision?	Yes
Reason for Key Decision	Significant impact on more than one ward
Forward Plan Notice Published	23/08/2023
Exempt information	N/A
Strategic Plan Priority / Outcome	Providing homes for the future Boost culture, business, jobs and leisure Working towards a clean and green future A council that works for you and listens to you

Executive Summary

The Mayor of London has confirmed their intention that the London Legacy Development Corporation’s Town Planning powers will be transferred back to each of the four London boroughs that have land within the Corporation’s planning boundary.

To enable the transfer of planning powers back to Tower Hamlets, secondary legislation will be made by Parliament and the Mayor of London will prepare a Statutory Transfer Scheme (STS) under section 216 of the Localism Act 2011.

The STS lists the rights and liabilities to be transferred, including records of planning decisions, un-determined planning applications, planning enforcement cases, appeals, planning obligation agreements and receipts, Community Infrastructure Levy receipts. Transfer of staff has been scoped out of the STS. The Mayor of London has requested that the London boroughs affected confirm their consent to enter into the STS.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Confirm their support for the statutory process for the transition of planning powers from the London Legacy Development Corporation to Tower Hamlets.
2. Delegate any further amendments to and completion of the Statutory Transfer Scheme and supporting documents to the Corporate Director of Housing and Regeneration in consultation with the Mayor.
3. Authorise the Director of Legal Services to complete any legal steps that might be required prior to and as a consequence of the transition of planning powers from the London Legacy Development Corporation to Tower Hamlets.

1 REASONS FOR THE DECISIONS

- 1.1 To facilitate the transfer of rights and liabilities relating to Town Planning functions from the London Legacy Development Corporation to Tower Hamlets.

2 ALTERNATIVE OPTIONS

- 2.1 Alternatively the Mayor could decide not to confirm consent to the Statutory Transfer Scheme. This would signal to the London Mayor and Secretary of State that the Council does not support the proposed return of town planning functions for the parts of Bromley North and Bow East Wards that are currently within the LLDC planning area.

3 DETAILS OF THE REPORT

- 3.1 The London Legacy Development Corporation (LLDC) is a London Mayoral Development Corporation (MDC) established in 2012 under Section 198 of the Localism Act 2011. The LLDC's stated remit is to deliver the Olympic legacy promises made in the original London 2012 Games bid: the physical legacy of the Games, the long-term planning, development, management and maintenance of the Park and its impact on the surrounding area after the London 2012 Games.
- 3.2 The LLDC is also the Local Planning Authority for land within its boundary, overlapping with Tower Hamlets, Hackney, Newham and Waltham Forest borough boundaries. The four boroughs are collectively described as the Growth Boroughs. In Tower Hamlets this area includes parts of Bromley by Bow and Fish Island, east of the A12, south of Hackney Wick and directly adjacent to the Queen Elizabeth Park.

- 3.3 The London Legacy Development Corporation (Planning Functions) Order 2012 transferred planning powers to the LLDC, for local plan making, determining planning applications, appeals and enforcement.
- 3.4 In February 2020, the Legacy Corporation's Board agreed that LLDC's town planning powers and functions would return to the four neighbouring boroughs of Newham, Hackney, Tower Hamlets and Waltham Forest, by the end of December 2024.
- 3.5 On 8 September 2022, the Mayor of London formally decided for the purposes of the Localism Act 2011 that from 1 December 2024 LLDC shall cease to exercise its town planning functions and has confirmed to the Secretary of State his intention to return planning powers from the LLDC to the four growth boroughs, with effect from 1 December 2024.
- 3.6 The Mayor of London proposes that the LLDC will remain as a MDC, with a reduced geographical area to deliver the ongoing management and regeneration of the Queen Elizabeth Olympic Park area.
- 3.7 For planning functions to return to Tower Hamlets and the other growth boroughs, secondary legislation has to be passed by parliament, described as a **Statutory Instrument (SI)** and the Mayor of London will prepare a **Statutory Transfer Scheme (STS)** to transfer existing planning related rights and liabilities.

Statutory Instrument

- 3.8 The Statutory Instrument would be secondary legislation that effectively reverses the transfer of planning powers from the boroughs to the LLDC in the 2012 Order. The SI will also deal with any new planning powers conferred to planning authorities generally in the period since the LLDC was established,, for example Community Infrastructure Levy (CIL) provisions.
- 3.9 The proposed scope of the SI has been prepared by the Department for Levelling Up, Housing and Communities and agreed with Tower Hamlets and the other growth boroughs. Borough officers have requested that the SI references the preparation of new development plan documents covering areas currently within the LLDC boundary, to reflect the programme for the Council's revised Local Plan.

Statutory Transfer Scheme

- 3.10 Section 216 of the Localism Act gives powers to the Mayor of London to transfer property, rights and liabilities vested in an MDC to a permitted recipient, which can include a London Borough.
- 3.11 In the case of the LLDC planning powers, the Mayor of London intends to make a Statutory Transfer Scheme to transfer the following planning related matters to the growth boroughs:

- Data and information relating to determined and live planning applications, planning appeals and enforcement matters;
 - Data and information relating to planning policy;
 - Section 106 planning obligation agreements between the LLDC and developers/land-owners;
 - Funding agreements arising from the allocation of Section 106 and CIL receipts;
 - A proportion of unallocated Section 106 and CIL receipts.
- 3.12 No property assets would be transferred. The Council would become liable for the monitoring of obligations in existing Section 106 legal agreements, the collection of CIL and managing related grant funding agreements for Section 106 and CIL expenditure.

Approach to staff transfer

- 3.13 Section 218 of the Localism Act refers to the transfer of contracts of employment. This means that the STS could include the transfer of staff working at the LLDC to the growth boroughs. In such cases the Transfer of Undertakings (Protection of Employment) Regulations would apply (TUPE).
- 3.14 Alternatively if the STS does not include staff transfer, there may be an argument that the guidance in the Cabinet Office Statement of Practice (COSOP) for Staff Transfer in the Public Sector would apply. In either scenario planning staff would transfer to the boroughs and become their employees but with protection of their current LLDC terms and conditions.
- 3.15 The boroughs have worked together and have obtained independent legal advice that neither TUPE nor COSOP apply to the proposed transfer of planning powers. A Memorandum of Understanding (Appended) has been prepared between the LLDC and growth boroughs which confirms this position and that the boroughs would not consent to an STS made by the London Mayor if it included staff transfer.
- 3.16 The growth boroughs recognise that it would be desirable to retain the planning experience and knowledge of LLDC staff working in this area. The MOU provides a commitment to ensuring that employment opportunities arising in the boroughs prior to planning transition are communicated to LLDC staff so that they may apply for advertised vacancies and be considered in accordance with the Council's recruitment procedures.

Implications arising from the STS

Data transfer

- 3.17 There are approximately 1,500 planning records that will be transferred, which will require data input and electronic documents to be added to the Council's data management and document management systems.
- 3.18 A pilot exercise has been undertaken to establish the likely impact on resources. To ensure the process is carried out efficiently and accurately, short term, temporary staff resources would be required in the Planning and Building Control Division. LLDC has a budget to support the data transfer activities. A business case has been submitted to access funding to support two fixed term posts for a maximum of six months.

Development Management

- 3.19 The boroughs are working closely with LLDC to establish a suite of agreed protocols and joint working procedures for the smooth transition of live planning applications, appeals and enforcement cases. These will also set out best practice advice to prospective applicants, including circumstances where the LLDC would not be able to determine a submitted planning application prior to the return of planning powers to Tower Hamlets.
- 3.20 The Council's pre-application planning advice service has been updated to confirm that the Council will be a party to pre-application discussions on major development proposals in the LLDC area and that the Council's published fees and charges will be levied.

Planning Obligations and Community Infrastructure Levy

- 3.21 The Council will become liable for the monitoring and enforcement of all existing planning obligations secured in Section 106 agreements. A list of relevant agreements (to date) is set out in the Schedules to the STS.
- 3.22 Any unallocated receipts from Section 106 agreements within the Tower Hamlets portion of the LLDC, as at the date of transfer of powers, will be transferred to the borough.
- 3.23 Any unallocated receipts from the Community Infrastructure Levy will be transferred to each of the growth boroughs on a pro-rata basis, determined by the geographic area of land within the LLDC boundary. For Tower Hamlets this would equate to 16% of the unallocated receipts.
- 3.24 Linked to this are a series of grant funding agreements with third party organisations to deliver certain planning obligations and drawing down funding provided by Section 106 agreements and/or Community Infrastructure Levy funds and made available through the LLDC's allocation process. The Council will become liable for the oversight, monitoring and enforcement of these agreements, as set out in the schedules to the STS.
- 3.25 The proposed Statutory Instrument will confirm that the LLDC CIL charging schedule will continue to apply to development after planning powers have been returned and until such time as the Council adopts a modified charging schedule to cover the Tower Hamlets portion of the former LLDC area.

Implications arising from transfer of planning powers

- 3.26 The return of planning powers from the LLDC will mean that Tower Hamlets and the other growth boroughs will become responsible for planning decisions in an area where the Council has had (limited influence on strategic planning and development management for some ten years.
- 3.27 There will be increased workloads involving the handling of current live planning applications and receipt of future applications for development. The LLDC has determined applications on several major sites within the Tower Hamlets boundary, but there will be residual matters for the Council to deal with and other sites coming forward for future development.
- 3.28 There will also be increased work associated with the ongoing monitoring of Section 106 agreements and collection of CIL. Work on the proposed revisions to the Local Plan will include policies for the Tower Hamlets portion of the LLDC area and the Council will be able to take a lead role in the spatial planning of Fish Island and Bromley by Bow.
- 3.29 The Director of Planning and Building Control will assess the capacity of services within the Division to absorb additional work and put forward any requests for growth as appropriate, taking account of any income potential associated with the additional work.

4 EQUALITIES IMPLICATIONS

- 4.1 An equalities screening exercise has been undertaken and no equalities implications have been identified.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.

Data protection and privacy

- 5.2 To enable the transfer of the planning function, a complete and comprehensive set of planning data and records needs to be transferred to the four boroughs.
- 5.3 The transferring planning data will include 'personal data' (eg: names, addresses, contact details) that was submitted as part of the planning application or as comments and representations in response to the planning application consultation process and/or the Local Plan and other policy consultation processes.
- 5.4 The boroughs responsibilities towards this personal data will be the same as the regulations and governance that cover the handling and processing of personal data within the LLDC. The personal data will continue to be used for the purpose it was collected, that is to support the planning process.
- 5.5 The growth boroughs and the LLDC have collaborated on a Data Transfer Plan to manage the transfer of data and ensure the process adheres to the General Data Protection Regulations.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The report is seeking approval for the statutory process for the transition of planning powers from the London Legacy Development Corporation to Tower Hamlets.
- 6.2 There are a number of financial implications emanating from the transfer of planning powers back to the Council. There will be an increase in workload as the planning department will become liable for monitoring and enforcing all existing planning obligations secured in Section 106 agreements and collection of CIL and the monitoring and enforcement of grant funding agreements with third party organisations to deliver certain planning obligations. The team will also be required to administer live planning applications and future applications for development that previously would have been the responsibility of the LLDC.
- 6.3 The Council will benefit from additional planning income from statutory planning application and pre-application fees. These fees should meet the additional cost associated with the increased work outlined above and therefore the cost associated with transferring planning powers back to the council should not impact negatively on the General Fund budget position.
- 6.4 Any unallocated receipts from Section 106 agreements within the Tower Hamlets portion of the LLDC, as at the date of transfer of powers, will be transferred to the borough.
- 6.5 Any unallocated receipts from the Community Infrastructure Levy will be transferred to each of the growth boroughs on a pro-rata basis, determined by

the geographic area of land within the LLDC boundary. For Tower Hamlets this would equate to 16% of the unallocated receipts.

7 COMMENTS OF LEGAL SERVICES

- 7.1 This report seeks approval for the necessary work to be undertaken and completed to secure the successful transfer back to LBTH of statutory planning functions of local planning authority for parts of Bromley by Bow and Fish Island, east of the A12, south of Hackney Wick and directly adjacent to the Queen Elizabeth Park.
- 7.2 Planning responsibility for these areas had previously been transferred to the LLDC pursuant to The London Legacy Development Corporation (Planning Functions) Order 2012.
- 7.3 The Mayor of London is following the correct legal procedure under the Localism Act 2011 and intends to make a Statutory Transfer Scheme which will, in conjunction with the Statutory Instrument to be made by Parliament (which in turn is necessary to revoke the provisions of the 2012 Order referred in 7.2, above), have the effect of returning planning responsibility to the Borough.
- 7.4 The alternative of not supporting this process would, as the Report highlights at paragraph 2.1, send the message the LBTH does not wish to have planning responsibility for these areas returned and alternative arrangements will have to be made. However, as Mayor in Cabinet is aware, consultation on a draft new Local Plan for the Borough is shortly commencing (if it has not done so already) and this draft Local Plan contains a proposed vision and objectives for development in the Borough. One of the needs for a new Local Plan has been identified as the return to the Borough of planning responsibilities for those parts of the Borough which are currently within the area of the LLDC.
- 7.5 The Report further identifies and highlights those areas where work is on-going to support the successful return of planning responsibility to the Borough and seeks confirmation that officers are appropriately authorised to follow this work to conclusion.
-

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Draft Statutory Transfer Scheme and schedules
- Memorandum of Understanding relating to staff transfer

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE.

Officer contact details for documents:

N/A.

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Localism Act 2011

The London Legacy Development Corporation and London Borough of Tower Hamlets Transfer Scheme 2023

The Mayor of London, in exercise of the powers conferred by section 216(1) and 218 of the Localism Act 2011, and all other powers so enabling, makes this Scheme.

Interpretation

1. The Scheme shall be cited as the “London Legacy Development Corporation and London Borough of Tower Hamlets Transfer Scheme 2023”.
2. In this Scheme: –
 - “the Act” means the Localism Act 2011;
 - “the Council” means the London Borough of Tower Hamlets;
 - “LLDC” means the London Legacy Development Corporation established under the London Legacy Development Corporation (Establishment) Order 2012¹;
 - “CIL” means the Community Infrastructure Levy, the charge provided for in Part 11 of the Planning Act 2008; and
 - “S106” means such obligations as secured by agreement pursuant to Section 106 of the Town and Country Planning Act 1990

Citation and Transfer date

3. This Scheme shall be cited as the London Legacy Development Corporation and London Borough of Tower Hamlets Transfer Scheme 2023 (“the Scheme”) and shall come into force on 30 November 2024 (“the transfer date”).

Transfer of rights and liabilities of the LLDC to London Borough of Tower Hamlets

4. On the transfer date, the property, rights and liabilities of the LLDC described in the Schedules to this Scheme, are transferred to the Council.

Continuity Provision

5. Anything done (or having effect as if done) before the transfer date by or in relation to the LLDC in respect of anything transferred by this Scheme, has effect on and after that date as if done by or in relation to the Council.
6. Anything which before the transfer date is in the process of being done by, on behalf of, or in relation to the LLDC in respect of anything transferred by this Scheme (including legal proceedings) may be continued on and after that date by, on behalf of, or in relation to the Council.

¹ SI 2012 No. 310

7. Any reference to the LLDC (or any body from which the LLDC has inherited property, rights or liabilities) in an enactment, instrument or other document in respect of anything transferred by this Scheme is to be treated on or after the transfer date as a reference to the Council.

Modifications of Scheme

8. This scheme may be modified by agreement in writing between LLDC and the Council and any such modification agreement:
 - a. may provide for it to be deemed to have effect from the Transfer Date; and
 - b. may include modification of any agreement, contract, instrument or other document to, or from, those currently listed in the Schedule and may make provision for transitional arrangements in relation to any matter relating or connected to them

Unspent sums

9. Any unspent CIL and S106 monies at the transfer date will be divided between the London Borough of Hackney, the London Borough of Newham, the London Borough of Tower Hamlets and the London Borough of Waltham Forest according to the arrangements set out and agreed by LLDC and the Council in the 'Approach to Transfer of LLDC CIL and S106 monies' Protocol (Appendix 1). This details how the monies will be apportioned and transferred as records will remain active until the date of transfer.

Transfer of CIL Charging and collecting powers and monies to the borough

10. The Scheme provides for the transfer of LLDC CIL monies to the Council who will also become the permitted recipient of CIL monies liable from relevant chargeable development under the terms of the London Legacy Development Corporation CIL Charging Schedule (LLDC CIL1) and the London Legacy Development Corporation Community Infrastructure Levy Charging Schedule 2 (LLDC2 CIL2) after the transfer date in accordance with the provisions of Regulation 63B of the Community Infrastructure Levy Regulations 2020 (as amended). The Council shall continue to charge CIL as specified within the relevant LLDC CIL charging schedule until such time as it has withdrawn or replaced these. Monies transferred to the borough will be transferred in accordance with the agreed provisions of the 'Approach to Transfer of LLDC CIL and S106 monies' Protocol (Appendix 1).
11. As per 10 (3) of the CIL Regulations 2010 (as amended), the LLDC will continue to act as the collecting authority for all Mayoral CIL liabilities falling due before the date of transfer. The Council will become responsible for any Mayoral CIL liabilities falling due thereafter. Mayoral CIL liabilities shall be calculated in accordance with the Mayor's CIL Charging Schedules that are in place at the time of the liability being determined in accordance with Schedule 1: Calculation of chargeable amount etc of the CIL Regulations 2010 (as amended).

Name: Sadiq Khan

The Mayor of London

Signed

Dated

SCHEDULE 1

FUNDING AGREEMENTS: CONTRACTS

OTHER TYPES OF CONTRACTS, RIGHTS & LIABILITIES

1. Grant funding agreements (GFAs) for which monies are not fully drawn down, or for which there are outstanding monitoring obligations. Noting this table is accurate in August 2023, and subject to amendment [Clause 8] on the transfer date, 30 November 2024 a final list will be defined as per the 'Approach to Transfer of LLDC CIL and S106 monies' protocol (Appendix 1)
2. In accordance with the Appendix 1, the London Borough of Tower Hamlets shall assume responsibility for the following GFAs in their capacity as grant awarding authority. Where any money pursuant to a GFA remains to be drawn down, this money will be passed to the Council, so that it can administer the remaining draw down of funds.
3. GFAs also include requirements for monitoring of project progress until completion. Consequently, the Council will become responsible for monitoring the following projects as the grant awarding authority, including the receipt of the required project monitoring reports.
4. Grant recipients will remain as defined in the existing GFAs.

Project Name	Responsible Borough	Funding awarded	Grant Funding Agreement Signed	Signatory 1 (Grant awarding authority)	Signatory 2 (Grant recipient)
Carpenters Road West - Walking and Cycling Programme	LB Tower Hamlets	£30,000.00	23/01/2023	London Legacy Development Corporation	London Legacy Development Corporation
Roach Point Bridge	LB Tower Hamlets	£951,950.00	20/12/2022	London Legacy Development Corporation	London Legacy Development Corporation
Cycle Infrastructure Projects	LB Tower Hamlets	£220,817.00	16/12/2022	London Legacy Development Corporation	London Legacy Development Corporation
Yard Theatre	LB Tower Hamlets	£1,000,000.00	15/11/2022	London Legacy Development Corporation	Yard Theatre
Imperial Street, Affordable Housing	LB Tower Hamlets	£8,810,000.00	06/08/2021	London Legacy Development Corporation	Guinness Partnership Limited
Monier Road Widening	LB Tower Hamlets	£50,000.00	09/04/2022	London Legacy Development Corporation	London Borough of Tower Hamlets

Bromley-by-Bow/A12 Crossings	LB Tower Hamlets	£150,000.00	07/02/2023	London Legacy Development Corporation	London Legacy Development Corporation
Bow Vision Interim	LB Tower Hamlets	£36,460.03	05/08/2016	London Legacy Development Corporation	Transport for London
Sustain-a-Bow – Solar Panels	LB Tower Hamlets	15,636.00	09/12/2022	London Legacy Development Corporation	The Bromley By Bow Centre
Toynbee Studios - Artsadmin	LB Tower Hamlets	132,000.00	12/06/2023	London Legacy Development Corporation	ARTSADMIN
Yard Theatre	LB Tower Hamlets	22,360.00	25/11/2022	London Legacy Development Corporation	Yard Theatre Limited
English for Action London	LB Tower Hamlets	27,076.00	12/01/2023	London Legacy Development Corporation	English for Action
Apply Yourself: Mentoring Programme	LB Tower Hamlets	30,000.00	23/01/2023	London Legacy Development Corporation	Apply Yourself

SCHEDULE 2

PLANNING RELATED MATTERS AND MONIES

Community Infrastructure Levy (CIL):

1. LLDC CIL Charging Schedules, which will continue to set the local CIL charge in the LLDC area post transfer until specific decision by borough to withdraw or replace.
2. CIL notices/records and formal correspondence, including that relating to any CIL enforcement action. Table below shows records accurate to August 2023, noting this is subject to amendment [Clause 8] on the transfer date, 30 November 2024. Final list will be defined as per the Appendix 1.

Permission Reference No.	Development	Liability Notice Reference(s)	Borough
12/00210/OUT	Neptune Wharf' Site Comprising Land Bounded: To The North By Hertford Union Canal; To The East By Roach Road, Roach Point Footbridge, Omega Wharf; To The South By Wyke Road, Remus Road, Monier Road; And To The West By Wansbeck Road (Phases 1 and 2)	12/00210/OUT/MCIL	London Borough of Tower Hamlets
12/00219/COU	Units 138 & 155 Omega Works, Roach Road, London, E3 2PA	12/00219/COU/MCIL	London Borough of Tower Hamlets
13/00174/FUL	Ozel House,52-54 White Post Lane, London, E9 5EN	13/00174/M-CIL	London Borough of Tower Hamlets
13/00176/VAR	Hancock Road, Bromley-By-Bow, London,E3	13/00176/VAR/MCIL	London Borough of Tower Hamlets
14/00063/FUL	1 William Guy Gardens, Bromley-by-Bow, E3 3LE	14/00063/FUL/MCIL	London Borough of Tower Hamlets
14/00374/FUL	1 Smeed Road and 79- 85 Monier Road, London, E3 2PS	14/00374/FUL/LCCIL and 14/00374/FUL/MCIL	London Borough of Tower Hamlets
15/00123/NMA	Site at 85, 105 and 115 Monier Road, Bounded By Monier Road, Wyke Road And Roach Road, London, Tower Hamlets, E3 2PS	15/00123/NMA/MCIL	London Borough of Tower Hamlets

15/00212/FUL	33-35 Monier Road, London, E3 2PR	15/00212/FUL/LCCIL and 15/00212/FUL/MCIL	London Borough of Tower Hamlets
15/00278/FUL	Land at Bream Street at the junction of Stour Road & Dace Road, Fish Island, London	15/00278/FUL/LCCIL and 15/00278/FUL/MCIL	London Borough of Tower Hamlets
15/00416/FUL	52-54 White Post Lane, London, E9 5EN	15/00416/FUL/LCCIL and 15/00416/FUL/MCIL	London Borough of Tower Hamlets
15/00446/FUL	1-2 Hepscoth Road, London, E9 5HB	15/00446/FUL/LCCIL and 15/00446/FUL/MCIL	London Borough of Tower Hamlets
15/00476/REM	Land to the east of Hancock Road and west of the River Lea Navigation, Bromley by Bow, E3	15/00476/REM/MCIL	London Borough of Tower Hamlets
15/00540/FUL	24-26, White Post Lane, LONDON, E9 5EP	15/00540/FUL/LCCIL and 15/00540/FUL/MCIL	London Borough of Tower Hamlets
16/00441/FUL	25-37 Rothbury Road, Hackney Wick, London, E9 5EN	16/00441/FUL/LCCIL and 16/00461/FUL/MCIL	London Borough of Tower Hamlets
16/00451/OUT	McGrath Works Depot Waste Recycling Station, 3-13 Hepscoth Road, London, E9 5HB (detailed element only)	16/00451/OUT/LCIL and 16/00451/OUT/MCIL	London Borough of Tower Hamlets
16/00462/FUL	1-7 Dace Road, Fish Island, London, E3 2NG	16/00462/FUL/LCIL and 16/00462/FUL/MCIL	London Borough of Tower Hamlets
16/00560/FUL	1, Beachy Road, London, E3 2ND	16/00560/FUL/LCCIL and 16/00560/FUL/MCIL	London Borough of Tower Hamlets
16/00685/FUL	415, Wick Lane, London, E3 2JG	16/00685/FUL/LCCIL and 16/00685/FUL/MCIL	London Borough of Tower Hamlets
17/00007/FUL	Land adjacent (south) to 1-7 Dace Road	17/00007/FUL/LCIL and 17/00007/FUL/MCIL	London Borough of Tower Hamlets
17/00222/FUL	Land bounded by Hepscoth Road and Rothbury Road, TSVC Building, London, E9 5HH	17/00222/FUL/LCIL and 17/00222/FUL/MCIL	London Borough of Tower Hamlets
17/00225/FUL	25 Trego Road, London, E9 5HJ	17/00225/FUL/LCIL and 17/00225/FUL/MCIL	London Borough of Tower Hamlets
17/00344/FUL	Land at Imperial Street, Bromley-by-Bow, London, E3 3ED	17/00344/FUL/LCIL and 17/00344/MCIL	London Borough of Tower Hamlets
17/00364/FUL	Land at Clockhouse and Access House, Imperial	17/00364/FUL/LCIL and 17/00364/MCIL	London Borough of Tower Hamlets

	Street, Bromley-by-Bow, London, E3 3AE		
18/00095/FUL	Iceland Wharf, Iceland Road, London, E3 2JP	18/00095/FUL/LCIL and 18/00095/FUL/MCIL	London Borough of Tower Hamlets
18/00215/FUL	60 Dace Road, London, E3 2NQ	18/00215/FUL/LCIL and 18/00215/FUL/MCIL	London Borough of Tower Hamlets
18/00325/FUL	90 Monier Road, London, E3 2ND	18/00325/FUL/LCIL and 18/00325/FUL/MCIL	London Borough of Tower Hamlets
19/00004/FUL	34-38 Wallis Road, London, E9 5LH	19/00004/FUL/LCIL and 19/00004/FUL/MCIL	London Borough of Tower Hamlets
19/00030/REM	Neptune Wharf Phase 3, Wyke Road / Wansbeck Road, Fish Island, London, E3 2PL	19/00030/REM/MCIL	London Borough of Tower Hamlets
19/00185/FUL	Former Truman Brewery, Units 1 - 6, Stour Road, London, E3 2NT	19/00185/FUL/LCIL and 19/00185/FUL/MCIL	London Borough of Tower Hamlets
19/00554/FUL	Imperial Phase 3 (formerly Imperial 1, Plot A), Land at Imperial Street, Bromley by Bow, London, E3 3ED	19/00554/FUL/LCIL, 19/00554/FUL/LCIL, 19/00554/FUL/MCIL and 19/00554/FUL/MCIL2	London Borough of Tower Hamlets
22/00095/REM	Hackney Wick Masterplan Plot E/F, Plot J East and Plot K2 North, (comprising land at 62-62 Wallis Road, 31 White Post Lane, 66-78 White Post Lane, and 67 Rothbury Road), London, E9 5EN	22/00095/REM/LCIL and 22/00095/REM/MCIL	London Borough of Hackney; London Borough of Tower Hamlets
22/00267/FUL	Former Piano Factory, Stour Road, London, E3 2NT	22/00267/FUL/LCIL and 22/00267/FUL/MCIL	London Borough of Tower Hamlets

Section 106 Agreements:

3. Section 106 agreements, including monitoring and discharge of obligations records. Electronic, and where required hard copies, of S106 Agreements to be transferred.
4. In accordance with the Appendix 1, the London Borough of Tower Hamlets shall assume responsibility for the following Section 106 agreements. For the avoidance of doubt, these responsibilities shall only entail local planning authority functions. Where the London Legacy Development Corporation is a signatory to a Section 106 agreement as a Developer or Landowner, it shall retain its obligations in this capacity.
5. Any monies either received or secured through the following agreements shall be managed in accordance with the 'Approach to Transfer of LLDC CIL and S106 monies' Protocol (Appendix 1).

6. Table below shows records accurate to August 2023, noting this is subject to amendment [Clause 8] on the transfer date, 30 November 2024. A Final list will be defined as per the Appendix 1.

Application Reference No.	Development	Date Agreement Signed	Borough
15/00337/VAR	Neptune Wharf site comprising land bounded to north by Hertford Union Canal, east by Roach Road, to South by Wyke Road and to west by Wansbeck Road	08/06/2023	London Borough of Tower Hamlets
23/00033/DOV	Former Truman Brewery, Units 1-6, Stour Road, London, E3 2NT	18/05/2023	London Borough of Tower Hamlets
22/00267/FUL	Former Piano Factory, Stour Road, London E3 2NT	27/01/2023	London Borough of Tower Hamlets
19/00308/DOV	Land at 1-7 Dace Road, Fish Island, London, E3 2NG	21/07/2022	London Borough of Tower Hamlets
19/00554/FUL	Land at Imperial Street, Bromley-by-Bow, London E3 3ED (now known as Imperial Phase 2 and Phase 3)	20/01/2022	London Borough of Tower Hamlets
19/00555/NMA	Land at Imperial Street, Bromley-by-Bow, London E3 3ED (now known as Imperial Phase 2 and Phase 3)	14/09/2021	London Borough of Tower Hamlets
19/00307/DOV	Land adjacent to 1-7 Dace Road, Fish Island, London, E3 2NG	21/07/2021	London Borough of Tower Hamlets
18/00485/VAR	411-415 Wick Lane, E3 2JG	17/06/2021	London Borough of Tower Hamlets

20/00197/NMA	Land comprised within Planning Delivery Zone 4 (Sweetwater) and Planning Delivery Zone 5 (East Wick), Queen Elizabeth Olympic Park, London	11/05/2021	London Borough of Newham; London Borough of Hackney; London Borough of Tower Hamlets
20/00287/DOV	75-89 Wallis Road and 59 Berkshire Road, Hackney Wick, London, E9 5LN	02/02/2021	London Borough of Hackney; London Borough of Tower Hamlets
20/00004/DOV	Clock House and Access House, Bromley-by-Bow, London, E3 3EA (now known as Imperial Phase 1)	02/02/2021	London Borough of Tower Hamlets
16/00271/OUT	Queen's Yard, White Post Lane, London, E9 5EN	22/01/2021	London Borough of Tower Hamlets
19/00185/FUL	Former Truman Brewery, Units 1-6, Stour Road, London, E3 2NT	27/08/2020	London Borough of Tower Hamlets
19/00030/REM	Neptune Wharf Phase 3, Wyke Road / Wansbeck Road, Fish Island, London, E3 2PL	09/04/2020	London Borough of Tower Hamlets
16/00451/OUT	McGrath Works Depot Waste Recycling Station, 3-13 Hepscott Road, London, E9 5HB	21/01/2020	London Borough of Tower Hamlets
18/00315/FUL	60 Dace Road, London, E3 2NQ	17/12/2019	London Borough of Tower Hamlets
17/00602/FUL	Crate, Unit 7 Queens Yard, White Post Lane, London, E9 5EN	04/11/2019	London Borough of Tower Hamlets
17/00222/FUL	Land bounded by Hepscott Road and Rothbury Road, TSVC Building, E9 5HH	25/10/2019	London Borough of Tower Hamlets
19/00004/FUL	34-38 Wallis Road, London, E9 5LH	09/08/2019	London Borough of Tower Hamlets

18/00471/VAR	Site known as Stratford Waterfront (also known as East Bank), bound by the Waterworks River to the south-west, London Aquatics Centre and F10 Bridge to the south-east, and Carpenters Road to the north and east (LCS Slot-Out Agreement)	25/07/2019	London Borough of Newham; London Borough of Hackney; London Borough of Tower Hamlets
18/00095/FUL	Iceland Wharf, Iceland Road, London, E3 2JP	04/06/2019	London Borough of Tower Hamlets
16/00166/OUT	Site known as 'Hackney Wick Central' comprising land to the, north and south of (although excluding), Hackney Wick Overground Station; bounded to the east by the Lee, Navigation, to the south by Rothbury Road, to the west by Hepscott Road, Wallis Road	14/03/2019	London Borough of Hackney; London Borough of Tower Hamlets
18/00368/DOV	Land at Bream Street at the junction of Stour Road & Dace Road, Fish Island	18/02/2019	London Borough of Tower Hamlets
17/00007/FUL	Land adjacent (south) to 1-7 Dace Road	05/11/2018	London Borough of Tower Hamlets
17/00225/FUL	25 Trego Road, London, E9 5HJ	25/09/2018	London Borough of Tower Hamlets
17/00344/FUL	Land at Imperial Street, Bromley-by-Bow, London, E3 3ED	18/09/2018	London Borough of Tower Hamlets
17/00364/FUL	Land at Clockhouse and Access House, Imperial Street, Bromley-by-Bow, London, E3 3AE	04/09/2018	London Borough of Tower Hamlets
18/00304/DOV	52-54 White Post Lane, E9 5EN	28/08/2018	London Borough of Tower Hamlets
17/00112/FUL	55-69 Rothbury Road	13/07/2018	London Borough of Tower Hamlets

17/00344/FUL	Land at Imperial Street, Bromley-by-Bow, London E3 3EA	20/06/2018	London Borough of Tower Hamlets
17/00227/VAR	1 Smeed Road and 79-85 Monier Road, London, E3 2PS	07/02/2018	London Borough of Tower Hamlets
16/00462/FUL	1-7 Dace Road, Fish Island, London, E3 2NG	25/01/2018	London Borough of Tower Hamlets
16/00441/FUL	25-37 Rothbury Road, Hackney Wick, London, E9 5EN	12/12/2017	London Borough of Tower Hamlets
17/00201/106	24-26 White Post Lane, London, E9 5EP	12/12/2017	London Borough of Tower Hamlets
17/00200/106	52-54 White Post Lane, London, E9 5EN	12/12/2017	London Borough of Tower Hamlets
13/00280/FUM	Vittoria Wharf, Stour Road/Beachy Road	09/12/2016	London Borough of Tower Hamlets
15/00337/VAR	Neptune Wharf site comprising land bounded to north by Hertford Union Canal, east by Roach Road, to South by Wyke Road and to west by Wansbeck Road	25/11/2016	London Borough of Tower Hamlets
15/00278/FUL	Land at Bream Street at the junction of Stour Road & Dace Road, Fish Island	25/08/2016	London Borough of Tower Hamlets
15/00446/FUL	1-2 Hepscott Road, E9 5HB	20/06/2016	London Borough of Tower Hamlets
13/00005/FUL	4 Roach Road, Fish Island, London, E3 2PA	16/06/2016	London Borough of Tower Hamlets
16/00039/REM	Second Primary School (PDZ4 Sweetwater) as part of the Legacy Communities Scheme, Queen Elizabeth Olympic Park	27/05/2016	London Borough of Newham; London Borough of Tower Hamlets
15/00540/FUL	24-26 White Post Lane, E9 5EP	20/05/2016	London Borough of Tower Hamlets
15/00416/FUL	52-54 White Post Lane, E9 5EN	20/04/2016	London Borough of Tower Hamlets

15/00212/FUL	33-35 Monier Road, E3 2PR	24/03/2016	London Borough of Tower Hamlets
15/00123/NMA	Site at 85, 105 and 115 Monier Road, Bounded By Monier Road, Wyke Road And Roach Road, London, Tower Hamlets, E3 2PS	29/12/2015	London Borough of Tower Hamlets
14/00036/VAR	Land Within The Olympic Park And Land At Pudding Mill Lane, Land At Bridgewater Road And Land At Rick Roberts Way	04/09/2015	London Borough of Newham; London Borough of Hackney; London Borough of Tower Hamlets
14/00374/FUL	1 Smeed Road and 79- 85 Monier Road, London, E3 2PS	04/09/2015	London Borough of Tower Hamlets
14/00123/COU	Unit 3, 39, Autumn Street, London, E3 2TT	28/08/2015	London Borough of Tower Hamlets
14/00260/FUL	4 Roach Road, Fish Island, London, E3 2PA	02/04/2015	London Borough of Tower Hamlets
14/00063/FUL	1 William Guy Gardens, Bromley-by- Bow, E3 3LE	14/11/2014	London Borough of Tower Hamlets
14/00036/VAR	Land Within The Olympic Park And Land At Pudding Mill Lane, Land At Bridgewater Road And Land At Rick Roberts Way	11/08/2014	London Borough of Newham; London Borough of Hackney; London Borough of Tower Hamlets
12/00210/OUT	'Neptune Wharf' Site Comprising Land Bounded: To The North By Hertford Union Canal; To The East By Roach Road, Roach Point Footbridge, Omega Wharf; To The South By Wyke Road, Remus Road, Monier Road; And To The West By Wansbeck Road	27/03/2014	London Borough of Tower Hamlets

13/00204/FUM	Land At 85, 105 And 115 Monier Road, Bounded By Monier Road, Wyke Road And Roach Road, London E3	25/03/2014	London Borough of Tower Hamlets
12/00066/FUM	Olympic Stadium Site, PDZ3, Olympic Park, London	12/08/2013	London Borough of Newham; London Borough of Tower Hamlets
12/00165/FUM	419 Wick Lane, Fish Island, London, E3 2JG	17/12/2012	London Borough of Tower Hamlets
11/90621/OUTODA	Land Within The Olympic Park And Land At Pudding Mill Lane, Land At Bridgewater Road And Land At Rick Roberts Way (LCS)	28/09/2012	London Borough of Newham; London Borough of Hackney; London Borough of Tower Hamlets
PA/11/02423/LBTH	Land at Hancock Road, Three Mills Lane and Imperial Street, Bromley-by-Bow, London, E3	27/09/2012	London Borough of Tower Hamlets
PA/11/00737	Land adjacent to H Forman and Son, Fish Island, London, E3 2NT	30/03/2012	London Borough of Tower Hamlets
11/90325/FULODA	Olympic Park, Stratford, London, E15	16/12/2011	London Borough of Newham; London Borough of Hackney; London Borough of Tower Hamlets; London Borough of Waltham Forest
09/90318/FULODA	1-15 Riverside Wharf, 419 Wick Lane, London, E3 2PW and 16-18 Riverside Wharf, 419 Wick Lane, London, E3 2PX	14/01/2010	London Borough of Tower Hamlets

07/90010/OUMODA	London Olympic Site - Land North Of Stratford Town Centre, East Of The Lea Valley Navigation, South Of Eastway And The A12 And West Of The Lea Valley Railway'	06/06/2008	London Borough of Hackney; London Borough of Tower Hamlets; London Borough of Newham; London Borough of Waltham Forest
07/90011/FUMODA	Legacy Transformation within Lower Lea Valley	28/09/2007	London Borough of Newham; London Borough of Hackney; London Borough of Tower Hamlets; London Borough of Waltham Forest

SCHEDULE 3

INTELLECTUAL PROPERTY, RECORDS AND DATA RELATED MATTERS AND UNDETERMINED PLANNING APPLICATION FEE INCOME

Electronic Planning Data includes:

- Historic & Live (Active) Development Management Planning Application Data (note this includes any applicable appeal data)
- Live (Active) Development Management Pre-Planning Application Data
- Historic & Live (Active) Development Management Enforcement Data
- Spatial Layers - Graphical Information Systems (GIS) Data (Redline Planning Boundaries)
- Policy, S106 & CIL Data
- Historic Olympic Delivery Authority Planning Application Data (note this includes any applicable appeal data)
- Planning application fee income for undetermined planning applications at the date of transfer (**proportionate to the work undertaken prior to handover** and as agreed with the Borough in advance of 30 November 2024).

London Borough of Tower Hamlets

<u>Type of Data</u>	<u>Record / Folder Numbers and/or Data Sizes (accurate at 31.05.23)</u>
APAS Data:	Approximately 1,500 closed and live planning records (this includes planning, pre-app, enforcement and appeal data) - 135GB in size
APAS / GLA Spatial Data (Planning Redlines)	Approximately 5-10MB in size
LLDC (Network Data) Planning, Appeal, Pre-App and Enforcement Records	Approximately 25% of 87,654 Folders (approximately 310GB in size)
LLDC (Network Data) ODA Data	Approximately 51,589 Folders (301GB in size)
LLDC (Network Data) Policy	Approximately 34 files

Further details relating to transfer are available in Data Transfer Plan.

Memorandum of Understanding
Growth Boroughs and London Legacy Development Corporation
September 2023

1. Parties

The parties to this Memorandum of Understanding (MoU) are:

- 1.1 London Borough of Hackney (LBH);
- 1.2 London Borough of Newham (LBN);
- 1.3 London Borough of Tower Hamlets (LBTH);
- 1.4 London Borough of Waltham Forest (LBWF); and
- 1.5 London Legacy Development Corporation (LLDC).

In this MoU, the term “**Growth Boroughs**” refers to LBH, LBN, LBTH and LBWF.

2. Purpose

- 2.1. The purpose of this MoU is to agree the approach to handling the impact on the employees of LLDC affected by the transfer of planning powers from LLDC to the respective Growth Boroughs. The transfer of planning powers is intended to take effect on 1st December 2024.

3. Background

- 3.1. LLDC was established as the first ever Mayoral Development Corporation in 2012, to take forward commitments made in the London 2012 bid in relation to the physical and socio-economic regeneration of Stratford and the surrounding area.
- 3.2. The Mayor of London has a legal duty to periodically review the continued existence of Mayoral Development Corporations.
- 3.3. LLDC Board have made recommendations to the Mayor of London which he approved in early September 2022. These include that LLDC’s Town Planning powers will return to the four neighbouring boroughs, i.e. the Growth Boroughs, on 1 December 2024.
- 3.4. LLDC and the Growth Boroughs have been in discussions about the impact of point 3.3 above, i.e. the return of planning powers from LLDC to the relevant Growth Boroughs, and the application or otherwise of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) to that process. LLDC’s and the Growth Boroughs’ shared understanding of the legal position on TUPE is as follows:
 - 3.4.1. The return of LLDC’s planning functions to the Growth Boroughs will not be covered directly by the TUPE.
 - 3.4.2. Applying TUPE or the principles of TUPE to LLDC planning team would be complicated by the fact that the planning powers are to be returned to four boroughs rather than one so the activity in question is being fragmented and the team is not currently organised by Growth Borough area¹. The parties believe that this fragmentation would mean that TUPE

would not ordinarily apply to a transfer of this type, ie. there is no 'relevant transfer' under TUPE.²

- 3.4.3.** Furthermore, and in any event, TUPE contains an exemption which provides that TUPE does not apply to the transfer of administrative functions between public administrative authorities (Regulation 3(5)).
- 3.4.4.** The transfer of planning powers from LLDC to the Growth Boroughs falls within this exemption.
- 3.4.5.** LLDC and the Growth Boroughs must also have regard to the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector (COSOP).
- 3.4.6.** The COSOP notes that there may be legislative options to apply TUPE to the transfer of administrative functions, which should be used where possible (see further below).
- 3.4.7.** Under section 216 of the Localism Act 2011 the Mayor may make a statutory transfer scheme between LLDC and a borough (or boroughs). The Mayor may include in such a scheme the transfer of contracts of employment (i.e. staff) (section 218(6)). If he does so, TUPE will be deemed to apply to the transfer of those staff, regardless of the exemption (section 218(4)). Such a scheme can only be made with the agreement of the borough(s) in question.
- 3.4.8.** The COSOP states that even where such a legislative route is not used:
- i. *"as a matter of policy, public sector bodies should ensure that the principles underpinning TUPE are followed, so staff are offered the opportunity to transfer on terms that are, overall, no less favourable than had TUPE applied"*.
 - ii. public sector bodies should also ensure that *"appropriate pension provision and redundancy and severance terms are applied"*.
 - iii. *"staff who choose not to transfer should, where possible, be redeployed within the transferor public sector organisation"*.

(<https://www.gov.uk/government/publications/staff-transfers-in-the-public-sector> - see esp. paras 5 and 17-20)

- 3.4.9.** The COSOP envisages that there may be exceptional circumstances in which staff will not transfer (see paras 14-16). Broadly speaking these reflect the situations where TUPE does not apply for reasons other than the exemption referred to in 3.4.3.

¹ Currently, work is not allocated within the LLDC team by geographical area or borough, but through technical expertise, previous experience or statement of interest. LLDC job descriptions are generic rather than based upon area and reflect this more general approach. As a result, all staff working in PPDT has a workload which is not exclusive to one particular borough. Work allocation across borough areas has provided a wider breadth of opportunity for experience and development for staff that would not be possible if the work is constrained geographically. Those in scope are not wholly or mainly assigned to work for, or in an organised grouping that can be easily ascribed to, a particular borough.

² *Thomas-James & ors v Cornwall County Council & ors 2008.*

Additionally, because of the way the LLDC team is organised it is agreed that TUPE does not apply, to the extent it is argued that it would apply to transfer part of any employee's role then the practical application of that would be unworkable. This is not being pursued as it would not be in the interests of LLDC, the Growth Boroughs or the employee to attempt to divide the role.

3.4.10. Given the above, the Growth Boroughs and LLDC have sought to reach a shared understanding of how to approach the issue of staff transfer, as set out below.

4. Agreed Principles and Approach

4.1. The parties agree the following:

4.1.1. That TUPE does not apply to the transfer of planning powers from LLDC to the respective Growth Boroughs:

4.1.2. That the parties have taken COSOP into account. The Growth Boroughs' position is that it is inappropriate to treat this administrative transition of planning powers as one to which TUPE will apply due to the fragmentation of activities across multiple Growth Boroughs and the way in which the LLDC team is currently structured. The Growth Boroughs note that the COSOP does not suggest that TUPE Principles should be applied in cases where it would not otherwise apply on the facts. The Growth Boroughs are of the view that these are exceptional circumstances of the type envisaged by COSOP by analogy and LLDC accepts that this is a legitimate position to take. Additionally, because of the fragmentation of activities the Growth Boroughs have considered but are not able to accept voluntary transfers of staff.

4.2. That whilst the Mayor has the powers described in section 3.4.5 above that the Growth Boroughs' consent would be required for a staff transfer under a statutory transfer scheme and they are not willing to provide such consent for the reasons set out above. In light of the above:

4.2.1. LLDC will consult with its employees that are affected by the cessation of LLDC's planning activities on the basis that those staff will not transfer to the Growth Boroughs pursuant to TUPE;

4.2.2. Both LLDC and Growth Boroughs share the ambition to support the retention of planning talent and expertise in East London across the Growth Boroughs. The Growth Boroughs agree to share vacancies with LLDC.

5. Status


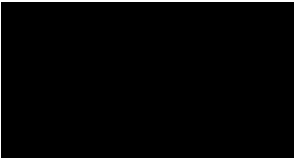
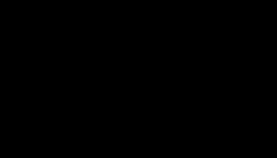

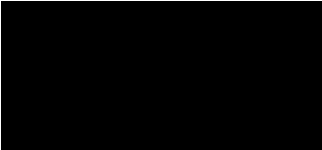
5.1. This MoU is not intended to be legally binding and no legal obligations or legal rights shall arise between the parties from this MoU. The Parties enter into the MoU intending to honour all their obligations.

5.2. Nothing in this MoU is intended to (or shall be deemed to) supersede any existing agreement, partnership or joint venture between the parties, nor authorise any of the parties to make or enter into any commitments for or on behalf of another party.

5.3. This MoU can be modified at the request of parties concerned, following written agreement between all parties.

5.4. Any dispute arising from the interpretation or implementation of this MoU shall be resolved amicably and expeditiously by consultation or negotiation between the parties.

6. Signatures

 <p>Rickardo Hyatt Group Director Climate, Homes and Economy London Borough of Hackney</p>	 <p>Vicky Clark Interim Corporate Director of Inclusive Economy & Housing London Borough of Newham</p>
 <p>Jennifer Peters Director of Planning and Building Control London Borough of Tower Hamlets</p>	 <p>Justin Carr Assistant Director – Development Management & Building Control London Borough of Waltham Forest</p>
 <p>Lyn Garner Chief Executive Officer London Legacy Development Corporation</p>	

Protocol for transfer of LLDC CIL and S106 monies

Background

One aspect of the transfer of its planning powers from LLDC to the four boroughs in December 2024 is the need to transfer the monies that it holds at that point that have been received in payment for CIL liabilities and in respect of S106 financial contributions. The broad principles of an approach to doing this was discussed at the Planning Policy Forum meeting of 7th November 2022. This paper builds on this discussion and seeks agreement to the approach being proposed.

Agreement is being sought at this point as this is a matter that will need to be addressed in the Mayor's Statutory Transfer Scheme that forms a part of the transfer of planning powers and that, taken together, boroughs will need an agreed position on by July 2023 to ensure that this is reflected in their Cabinet Reports seeking agreement to the approach to the Statutory Transfer Scheme (STS). See STS programme at Appendix 1.

Currently, decisions to provide CIL and S106 funding to specific projects are made by the LLDC's Project Proposals Group, which boroughs attend. Once funding is agreed, a Grant Funding Agreement is put in place between the LLDC as LPA and the party receiving the funding. It is anticipated that the final decision-making meeting of the Project Proposals Group will take place in either June or July 2024, allowing time for Grant Funding Agreements to be completed prior to transfer of planning powers. This paper addresses the approach to monies that have been allocated through this process and remain 'live' and also those funds which have not been allocated.

Proposed approach to CIL monies:

Monies associated with a project Grant Funding Agreement

Where any CIL monies held at 30th November 2024 and are associated with a finalised Grant Funding Agreement, the money specified in the Agreement will be passed to the borough in which that project is based or most closely associated with. Where some but not all of the money specified in the Grant Funding Agreement has been drawn down before the transfer date, the remaining money will be passed to that borough so that it can administer the remaining draw down of funds.

Grant Funding Agreements include a need for monitoring of project progress until that project has been completed. The Grant Funding Agreements set out the requirements for provision of project monitoring information. The borough to which the grant funding agreement is passed will become responsible for the monitoring, including the receipt of the required project monitoring reports. This will include those Agreements where all monies have been drawn down but there is a requirement for the project to provide subsequent monitoring reports. The Grant Funding Agreements transferred to each borough will be accompanied by a schedule of those agreements and the sums of money remaining to be drawn down and/or any remaining monitoring reports required.

Monies left unallocated at the final Project Proposals Group meeting.

Where, at the date of the final Project Proposals Group meeting (anticipated in Summer 2024) there is CIL money remaining unallocated after the decisions of the final meeting have been made, that money will be split between the Four Boroughs proportionally. The proportion of that unallocated

money passed to each borough will be determined by the percentage of the LLDC land area that each borough occupies. These percentages are as follows:

- LB Hackney – 16%
- LB Newham – 63%
- LB Tower Hamlets – 16%
- LB Waltham Forest – 5%

Other methodologies been considered but discounted as not providing a sound basis for proportioning the monies. For example, using the total value of infrastructure on the LLDC Infrastructure List by borough presents practical issues with many items either not having costs identified or, where they are, being broad estimates. Infrastructure provision and need is also difficult to disaggregate from the LLDC wide approach down to a borough level, risking a skewed outcome. The geographical area apportionment approach is considered to provide a reasonably robust methodology that ensures each borough benefits in a reasonably proportionate way. As CIL money is pooled from across the LLDC area and then spent in that context, it would also not be possible to relate the relatively small amount of unallocated CIL money envisaged in this proposal to the specific schemes that have paid CIL and therefore the boroughs within which the schemes that have paid this are located.

Monies received after the date of the final Project Proposals Group meeting.

Any CIL monies received after the date of the final Project Proposals Group meeting will be recorded in a schedule against the relevant planning permission number and the sum held against that reference. The sum will then be transferred in full to the borough in which the relevant development sits on 30th November 2024.

Where a significant CIL payment is received before the final Project Proposals Group meeting but has not been allocated to a project at that final meeting.

Where sums of £500,000 or more are received before the final Project Proposals Group meeting but there is insufficient time for a funding allocation application to be made to that meeting, it is proposed that this sum is treated in the same way as any CIL sum received after the meeting date, that is the money is held against the planning application number for the development that has paid it and the money is transferred in full to the borough that development site is within on 30th November 2024.

Neighbourhood Portion of CIL

The final allocations of LLDC Neighbourhood Portion of CIL, through the Neighbourhood Priorities Fund took place in December 2022. The LLDC Neighbourhood Proportion is 15% of LLDC CIL monies received across its entire area. It is proposed that the sum held at 30 November 2024 will be distributed between the four boroughs proportionally on the percentage basis shown above, to be used in accordance with that boroughs own governance arrangements for the Neighbourhood Proportion of CIL.

The LLDC approach to Neighbourhood CIL collected within its area has been a whole LLDC area one for the benefit of all communities living within the LLDC area. The approach ensures that all borough areas will benefit from the apportionment of unallocated Neighbourhood CIL monies. Linking unallocated Neighbourhood CIL monies to the schemes that paid the original amount, for example, would be both complex and likely to skew the proportion of money provided to each borough away from some of the communities that it has been intended would benefit and, in the case of LB Waltham Forest would likely result in no money being made available.

CIL Administration Expenses As per Regulation 61, a CIL charging authority may apply CIL to administrative expenses that it incurs up to a value of five percent of the CIL collected each year. The budget for CIL administration is set annually by LLDC's Finance and Corporate Services Directorate, in collaboration with the Planning Policy and Decisions Directorate. The budget for the financial year 2024/2025 is yet to be agreed so it is not possible at this point to specify the exact amount of this element of CIL receipts that the LLDC will look to retain to meet the costs of running an effective CIL service in its final year.

Once the budget for 2024/25 has been agreed, the LLDC will apply 5% of all LLDC CIL receipts to administration, up to the value of the agreed budget. As per Regulation 61, the LLDC will also retain 4% of all Mayoral CIL receipts, and credit these, in their entirety, to the agreed annual budget for 2024/25. The remaining amount of the LLDC administrative portion, exceeding the annual budget, which is collected in that final financial year (April-November 2024) will be split proportionally between the four boroughs, again using the land area percentage approach outlined above. This will ensure that LLDC is able to retain sufficient funding to operate its CIL related services while providing an element of funding to each borough towards initial administration costs of CIL collection cases and grant funding related activities for cases transferred to each borough. The unallocated amount to be proportioned will remain uncertain until close to the transition date, as there is no certainty for which schemes will become liable to pay CIL in the period of time to end of November 2024.

S106 Monies:

S106 Monies associated with a project Grant Funding Agreement

Where S106 money held by LLDC has been allocated to a project through completion of a Grant Funding Agreement but that money has not been drawn down by 30 November 2024, that money will be transferred alongside the relevant Grant Funding Agreement, to the borough in which the development that has paid that S106 contribution sits. That borough would then administer the draw down of the funds and any monitoring requirements written into the Grant Funding Agreement.

S106 monies left unallocated at the final Project Proposals Group meeting.

Where a S106 financial contribution has not been allocated to a project at or prior to the final Project Proposals Group meeting, that money will be transferred to the borough in which the development that paid the contribution sits, alongside the S106 Agreement that specifies how that money can be spent. Any spending of that money would then simply be subject to the boroughs own governance processes for spend and the terms of the S106 Agreement.

Any S106 financial contribution received prior to the final Project Proposals Group meeting but for which it has not been possible to allocate that sum to a project, that sum will be treated in the same

way and passed to the borough in which the relevant development sits, along with other financial sums, on 30th November 2024.

Where an S106 contribution derives from a cross-borough development, it is expected that the borough which contains the proportionally greatest share of the development will assume responsibility for the contribution, and will be transferred the monies accordingly.

S106 monies received after the date of the final Project Proposals Group meeting.

Where any S106 financial contributions are received after the date for the final Project Proposals Group meeting, that money will be transferred to the borough in which the development paying the contribution sits, along with the relevant S106 Agreement.

Monitoring contributions

In certain instances, the LLDC secures monitoring contributions by way of Section 106 obligation. Where such a contribution remains wholly or partly unspent on 30th November 2024, it will be transferred to the borough in which the relevant development sits.

From the date of this Protocol, LLDC's Planning Policy and Decisions team will take into account monitoring contribution rates published or advised on by the Boroughs, alongside those set out in the LLDC's Planning Obligations SPD, in negotiating and agreeing monitoring contributions in all Section 106 legal agreements.

Carbon Offset Fund

Carbon Offset Fund monies are secured through a S106 Agreement and, when paid, are held in the Carbon Offset Fund. Unlike other S106 financial monies, this money is pooled as a single fund. A final formal bidding round is currently being run by the LLDC. It is expected that the decisions allocation meeting of the Project Proposals Group will take place in the early autumn of 2023 with grant funding agreements completed by the end of the year. Given the timescales for running the bidding round through to completion of grant funding agreements, it is not considered practical to run a bidding round in 2024. Any Carbon Offset Funds paid to the LLDC after the final funding decisions have been made on the applications made to the 2023 Funding Round, would be listed against their relevant planning application reference and passed to the borough which that scheme sits on 30 November 2024. Should there be any remaining unallocated monies in the fund at the point of final funding decisions being made, these will be apportioned between the boroughs using the land area methodology outline elsewhere in this Protocol.

It is assumed that the carbon offset monies unallocated by LLDC will be administered in accordance with the individual borough governance arrangements for carbon offset funds.

Transfer of Funds to boroughs

It is assumed that all funds addressed in this paper will be transferred to individual boroughs on 30 November/1 December 2024. Schedules of the amounts relating to each category described above will be provided along with the relevant grant funding agreements. The practical arrangements for transferring those funds will be discussed and agreed in due course. The approach specified in this paper and the practical payment arrangements would be captured within schedules to the Statutory Transfer Scheme and/or a separate MoU.

Agreement between London Legacy Development Corporation and Growth Boroughs

<u>07/11/22</u>	<u>Planning Policy Forum to discuss the Section 106 Briefing Note</u>
<u>06/12/22</u>	<u>Planning Policy Forum to discuss the Community Infrastructure Levy Briefing Note</u>
<u>31/05/23</u>	<u>Draft paper for discussion and meeting invitation sent to attendees</u>
<u>20/06/23</u>	<u>Planning Policy Forum – additional meeting to discuss draft paper</u>
<u>23/06/23</u>	<u>Deadline for any written comments from meeting attendees</u>
<u>Early July 2023</u>	<u>Issue of revised draft Protocol Paper</u>
<u>07/07/23</u>	<u>Final comments received</u>
<u>24/07/23</u>	<u>Issue of final Protocol Paper for inclusion with draft STS</u>

Appendix 1: Statutory Transfer Scheme Programme

Borough	Lead in time	STS first draft	MoUs first draft (incl.staff transfer)	Town Planning SI first draft	Borough Review	MoUs agreed	STS final draft	Town Planning SI final draft	STS agreed	LLDC submit to Boroughs	Cabinet Dates	RAG status
Hackney	6 weeks	23-Jun	30-Jun	Tbc	1-20 Jul	31-Jul	11 Aug	Tbc	04-Sep	11-Sep	23-Oct	
Newham	8-10 weeks	23-Jun	30-Jun	Tbc	1-20 Jul	31-Jul	11 Aug	Tbc	04-Sep	05-Sep	07-Nov	
Tower Hamlets	6 weeks	23-Jun	30-Jun	Tbc	1-20 Jul	31-Jul	11 Aug	Tbc	04-Sep	13-Sep	25-Oct	
Waltham Forest	6 weeks	23-Jun	30-Jun	Tbc	1-20 Jul	31-Jul	11 Aug	Tbc	04-Sep	21-Sep	02-Nov	
Owner		TfL Legal/LLDC	Borough and LLDC Officers	DLUHC	Borough	Borough and LLDC Officers	TfL Legal/LLDC	DLUHC		LLDC w/c 4 Sept		

Data Transfer Plan: London Legacy Development Corporation London Borough of Tower Hamlets

Document Control

Organisation	London Legacy Development Corporation
Date	21 July 2023
Purpose of issue	Provisional Sign-off
Title	Data Transfer Plan: London Legacy Development Corporation and the London Borough of Tower Hamlets
Description	Outlines the processes, principles, and scope of the transfer of data from the London Legacy Development Corporation to the London Borough of Tower Hamlets
Author	Bradley Clauson
File Location	SharePoint
Contributors	Danny Budzak
Distribution	<p>London Legacy Development Corporation</p> <p>Anthony Hollingsworth – Executive Director of Planning - PPDT Catherine Smyth - Head of Development Management - PPDT Anne Ogundiya - Deputy Head of Development Management - PPDT Alex Savine - Head of Policy - PPDT Bradley Clauson – Senior Transition and Technical Manager - PPDT Danny Budzak – Senior Information Manager Jim Wood – Director of IT and Information Services</p> <p>London Borough of Tower Hamlets</p> <p>Umbreen Qureshi – Head of Service Divisional Digital, & Commercial Innovation Unit Planning and Building Control Paul Buckenham – Head of Service Development Management Matthew Pullen- Head of Service Infrastructure Planning Marissa Ryan-Hernandez – Head of Service Strategic Planning Policy Judy Wiltshire- LBTH Senior Contract Lawyer Ranjodh Kaler- Applications Manager – Technology and Data Matt Newby-Principal Planner – Corporate Lead</p>
Status	Draft v0.13
Protective marking	Not Protectively Marked

Version Control

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v0.2	13 December 2021	Content added and amended	BC
v0.3	24 January 2022	Content added and amended	BC
v0.4	26 May 2022	Content amended and annexes added	BC
v0.5	22 June 2022	Content and annexes reviewed	DB
v0.6	10 August 2022	Content and formatting amended	BC
v0.7	06 Oct 2022	DB comments after 03 Oct workshop	DB
v0.8	26 Oct 2022	BC amendments after 03 Oct workshop	BC
v0.9	21 Nov 22	Style and format changes	DB
v0.10 – v0.11	Jan / Feb 23	Content, formatting and style changes	BC / UQ
v0.12	15 Mar 23 & 27 Apr 23	Content and formatting amendments	BC
v0.12	15 June 23	Content and formatting amendments	BC
V0.13	10 July 2023	Final comments, content and formatting amendments	BC / UQ

Approvals

This approval is for the content of this transfer plan

Approval by	Name/Department	Signed (Y/N)	Date
London Legacy Development Corporation			
Business Owner (Legacy Corporation)	Anthony Hollingsworth – Executive Director of Planning, Policy and Decisions Team		
IT and Information Services	Jim Wood – Director of IT and Information Services		
Agile Applications Ltd (if applicable)	N/A		
Legacy Corporation (TFL) Legal (If Applicable)	N/A		
Civica Approvals (If Applicable)	N/A		
Receiving Organisation: London Borough of Tower Hamlets			
Business Owner (LBTH)	Jennifer Peters – Director Planning and Building Control		

LBTH - IT Service Provider (application software)	IDOX- Acolaid*	N/A	N/A
LBTH - IT Service Provider (application software)	Global ECM Solutions - Laserfiche	N/A	N/A
LB Tower Hamlets - IT Service Provider (on-premise)	Tech and Data Team – Paul McHale LBTH IT Services		
LBTH Legal (If Applicable)	Judy Wiltshire – Senior Contracts Lawyer (advisory capacity only)	N	N/A
LB Tower Hamlets – Information Governance	Muhammed Forhad- Data Protection Officer		

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1 Introduction

This data transfer plan sets out how the London Legacy Development Corporation (The Legacy Corporation) will work with the London Borough of Tower Hamlets (LBTH) in order to prepare planning, policy and associated data for transference to the London Borough of Tower Hamlets.

2 Background

The planning powers of the Legacy Corporation will be transferred to the four surrounding London boroughs of Newham, Hackney, Tower Hamlets and Waltham Forest on the **1st December 2024**. The last day on which the LLDC will exercise its planning functions will be until midnight on **30th November 2024**.

To support the transfer of planning powers the following data will be transferred:

- LLDC (PPDT) Development Management Data
- LLDC (PPDT) Policy Data

See Section Six for specific details and information on the data to be transferred.

3 Legal Basis for the Transfer

The Legacy Corporation is the data owner and has statutory planning powers. The data referred to in this document relates to those powers.

3.1 Return of Legacy Corporation Planning Functions

On the 8th September 2022, the Mayor of London formally decided for the purposes of sections 204(2) and (3) of the **Localism Act 2011** that from 1st December 2024 the Legacy Corporation shall cease to exercise, as regards the whole of its Mayoral development area, the entirety of its town planning functions conferred on it by London Legacy Development Corporation (Planning Functions) Order 2012 (“2012 Order” SI 2012 No. 2167).

From the 1st December 2024 the planning functions that were exercised by the Legacy Corporation as a result of the 2012 Order will return to the London Boroughs of Newham, Hackney, Tower Hamlets and Waltham Forest and will be exercised by them.

The Legacy Corporation in conjunction with colleagues at the Department for Levelling Up, Homes and Communities is currently working on the relevant Statutory Instrument required to revoke the Corporation’s planning powers.

3.2 Transfer of Personal Data

There is a certain amount of personal data associated with the planning process. It will be necessary to transfer this data to ensure complete series of records.

A Legitimate Interest Assessment is not required, and the transfer of any personal data is covered by existing protocols within the LLDC and LBTH.

4 Statement of the Data Transfer Principles

4.1 Purpose

The purpose of the Data Transfer Principles is to ensure that the data is transferred in accordance and agreement with the relevant legislation and the policies and objectives of both the Legacy Corporation and the London Borough of Tower Hamlets.

All the data which has been defined within Section Six – Scope of Data Transfer (of this document) will be transferred to The London Borough of Tower Hamlets.

4.2 Objectives

The objectives of the transfer and receipt of data are to ensure that:

- (a) All the relevant data is identified by the Legacy Corporation.
- (b) That Civica, the managed provider of IT services to the Legacy Corporation, and the IT Department of LB Tower Hamlets are kept informed of, and included where necessary, in the process.
- (c) That the data can be transferred as a complete set of data and/or files to ensure data integrity and accuracy.
- (d) Data within the new environment will continue to have the same functions and features as it does in existing environments
- (e) The London Borough of Tower Hamlets is able to continue to provide the statutory function as if it had been the original recipient of the data.

4.3 Key Principles

The Legacy Corporation will:

- (a) Implement business processes and procedures to manage the data and information effectively during the transfer process
- (b) Maintain a complete record of the data which has been transferred and, where appropriate, include this information in the Legacy Corporation's Publication Scheme and Information Asset Register
- (c) Maintain the relevant levels of access and security during the transfer.

The Receiving organization:

- (a) Have in place business processes and systems to receive the data
- (b) Comply with this Data Transfer Plan
- (c) Maintain the relevant levels of access and security during the transfer

5 Stakeholders

5.1 Key Stakeholders

The key stakeholders in the transfer of data are:

5.1.1 The Mayor of London / Great London Authority (GLA)

The Mayor of London on the **8th September 2022** formally decided that from **1st December 2024** the Legacy Corporation shall cease to exercise the town planning functions conferred on it by London Legacy Development Corporation (Planning Functions) Order 2012.

5.1.2 Department for Levelling Up, Housing and Communities

The Department for Levelling Up, Homes and Communities (in conjunction with the Legacy Corporation) is involved in drafting the Statutory Instrument required to revoke the Corporation's planning powers.

5.1.3 The London Legacy Development Corporation

The Legacy Corporation until the **30th November 2024** is the relevant Local Planning Authority (LPA) for the Legacy Corporation area and holds all relevant Planning and Policy data for that area.

5.1.4 The London Borough of Tower Hamlets

The London Borough of Tower Hamlets from the **1st December 2024** will be the relevant Local Planning Authority for the current Legacy Corporation area that falls within the boundary of the LB Tower Hamlets. All relevant planning / policy functions and data will transfer to LB Tower Hamlets.

5.1.5 Agile Applications Ltd

As the Planning Software Service Provider for the Legacy Corporation, Agile Applications Limited will be involved in the technical management of the data transfer. Agile Applications has no interest in the content of the data.

5.1.6 Civica

As the Managed IT Services Provider for the LLDC, Civica will be involved in the transfer of any planning and policy data from the Legacy Corporation Network.

6 Scope of Data Transfer

6.1 In Scope

The data to be transferred is:

APAS Data:

- Planning Application Data (All planning application data from **1st October 2012** (when the LLDC became the relevant LPA for the area) in relation to closed cases held within the PPDT APAS system, from submission to decision and appeal (if applicable). This includes all submitted and generated documentation, during the life of the application, which includes (but is not limited to)

forms, plans, drawings, reports, letters, notices, applicable S106 agreements and CIL Documentation.

- There are approximately **1,400** planning applications within the APAS system associated with LB Tower Hamlets.
- A total of **74GB** of data within the APAS system is currently associated with LB Tower Hamlets. This comprises of:
 - Inputted record data and back-office database tables (text, dates, GIS redline boundary's, etc.) which is held and stored in a Structured Query Language (SQL) database.
 - Data created within the APAS system (letters, notices, decision notices, etc. all held as Word documents) which is encoded.
 - Data which has been uploaded to the APAS system (Forms, reports, plans, drawings, redacted consultation responses, etc. all held as PDF) which is held in BLOB storage.
- Pre-Planning Application Data (Active pre-planning application case data held within the PPDT APAS system at the agreed date of transfer).
- Enforcement Data (Active enforcement case data held within the PPDT APAS system at the agreed date of transfer).

Legacy Corporation (LLDC) Network Data

- Borough Filtered Development Management Planning Application Data in relation to closed and active cases (note this includes any applicable appeal data).
- Borough Filtered Development Management Pre-Planning Application Data in relation to active cases.
- Borough Filtered Development Management Enforcement Data in relation to closed and active cases.
- Borough Filtered Spatial (GIS) Data (Redline Planning Boundaries)
- Borough Filtered (In Part) Policy Data (See **Annex Nine** for further information on Policy, Local Plan, S106 & CIL Data)
- Historic ODA Planning Application Data (note this includes any applicable appeal data)

6.2 Out of Scope

The Legacy Corporation considers that the following is out of scope:

- Active & Closed Mailboxes (emails) of individual members of staff (See Annex Ten).
- H:Drives (Personal Drives on the Legacy Corporation network) of individual members of staff.
- Content relating to internal PPDT staff meetings.
- Any personal data about staff, including appraisals, leave records, sickness records and so forth.
- Hard Copy Planning Application Data (Until 2020 PPDT held a hard copy file of each planning application submission, since 2020 PPDT has moved to an electronic platform only. The hard copy files are duplicate physical copies of the data held within the APAS planning system and LLDC Network, and contain **no additional** information or data to that held within the APAS system or LLDC Network).

7 Transfer Process

7.1 Transfer Date

The transfers will take place from **April 2024 through to December 2024**.

(See Annex Eleven for further details).

7.2 Transfer Process

The potential ways to transfer data from the Legacy Corporation to LBTH, it should be noted that certain options will result in certain planning data not being able to be transferred:

- Machine to machine – this would be a back-office point-to-point transfer between the LLDC APAS planning system and the LBTH (Acolaid) planning system,
- LLDC to copy relevant planning and policy data from the LLDC File Servers (Network Drives) to a secure portable hard drive and physically hand this to LBTH,
- Transfer relevant planning and policy data from the LLDC File Servers (Network Drives) using a File Transfer Process (FTP)

Each of these processes would incur different levels and types of cost.

The Legacy Corporation and the LBTH have agreed a process for the transfer of the statutory planning and enforcement registers. This is as follows:

- LLDC to prepare data reports from the Agile Applications APAS system together with copying relevant planning and policy data from the LLDC File Servers (Network Drives) and uploading to a specially created SharePoint site for LBTH to then download to their individual IT networks and process manually.
- From summer to December 2024 transferring relevant newly closed planning data from the Legacy Corporation File Servers (Network Drives) using the same SharePoint site or a Secure File Transfer Process (SFTP) if made available.

All other planning (including but not limited to planning, policy, developer contributions) data to be transferred in summer 2024 by:

- Legacy Corporation to copy relevant planning, policy and developer contributions data from the Legacy Corporation File Servers (Network Drives) using an SFTP or other secure means.

Upon the cessation of the Legacy Corporation's function as the relevant LPA a further copy of data will be supplied as

- a secure portable hard drive and physically delivered to LBTH.

The Legacy Corporation working with Agile Applications will produce reports which describe:

- Number of APAS Records & Data
- Data size of APAS Records & Data
- Document types, numbers and sizes held within APAS Records & Data

The Legacy Corporation, working with Agile Applications and the London Borough of Tower Hamlets will determine and agree which tools will be used to do the physical transfer of the data.

Civica (as the Managed IT Services Provider for the Legacy Corporation) will be kept informed of developments concerning the data transfer and provide additional technical expertise if required.

The LLDC Network Drive data transfers will be undertaken on dates agreed by Legacy Corporation and LBTH under Change Control authorised by the Legacy Corporation in advance of the transfer dates.

7.3 Post Transfer

Once the data has been transferred, a copy of the data will be retained within the Agile Applications Ltd APAS system until **1st December 2024**.

Within that period the Legacy Corporation will assist with queries in relation to the files as described in the Request for Information Protocol below (**See Annex Two & Annex Three**).

8 Compliance

8.1 Data Protection

Personal data will be included in the transfer of planning data from the Legacy Corporation to LB Tower Hamlets.

This personal data will include:

- Name, address, email, phone number of data subjects who have made planning applications
- Name, address, email, phone number of data subjects who have raised objections
- Name, address, email, phone number of data subjects who have taken part in public consultations

Data Controller:

The Legacy Corporation is the data controller for the Planning data. As part of the transfer of the Planning data, the Data Controller function will transfer to the LB Tower Hamlets.

The Legacy Corporation is a registered data controller with the Information Commissioner's Office (ICO) as a requirement of the Data Protection Act. The privacy statement is here:

- <http://www.londonlegacy.co.uk/info/privacy-policy/>

The London Borough of Tower Hamlets will become the Data Controller of the Planning Data. The privacy statement is here:

- [Legal notices \(towerhamlets.gov.uk\) \(Town Planning, Building Control, Local Land Charges and Street naming and Numbering\)](https://www.towerhamlets.gov.uk/legal-notice)

Data Processor:

- Agile Applications are the data processor working to the instructions of the Legacy Corporation as a data controller.
- LB Tower Hamlets will become the data processor once transfer completes.

8.2 Freedom of Information and Environmental Information Regulations

The Legacy Corporation is a public authority for the purposes of the Freedom of Information Act and therefore falls within its coverage.

- London Legacy Development Corporation:
<http://www.londonlegacy.co.uk/info/freedom-of-information/>
- The receiving organization is the London Borough of Tower Hamlets:
- Agile Applications Ltd is a commercial entity and is not subject to the Freedom of Information Act.
- Civica is a commercial entity and is not subject to the Freedom of Information Act.

If the Legacy Corporation receives an FOI request which might relate to this project, it will liaise with both the Legacy Corporation & The London Borough of Tower Hamlets.

8.3 Intellectual Property Rights & Protective Marking

There are no intellectual property rights issues in relation to LLDC produced documentation and data, and the transfer of any such documentation and data is and will be covered by existing protocols within the LLDC and LBTH.

Third party produced data / documentation (reports, logo's, etc.) will be handled in the same way by LBTH as LLDC. This will be communicated to third parties during current and future communication arrangements concerning transition related matters. In addition, a specific reference to this third-party data will be added to the LLDC dedicated transition Webpages.

9 Data Management

9.1 Transfer of the Data

After the data has been transferred, User Acceptance Testing (UAT) will be conducted by the receiving organisation to confirm the accuracy, etc. of the data. On completion of UAT, formal sign-off of the data transfer will occur.

After the transfer and sign-off of the data, the Legacy Corporation has no responsibility for the data which the recipient organization The London Borough of Tower Hamlets has received.

10 Costs

Costs associated with the data transfer:

- **Legacy Corporation / PPDT**
 - Internal costs of the Legacy Corporation in analysing the data
 - Any specialist software which is required
 - Agile Applications Limited (APAS Supplier) costs in running data scripts and transferring APAS data
- **LBTH**
 - Costs incurred by receiving organisation – The London Borough of Tower Hamlets.

The costs incurred in preparing, transferring and receiving the data will be covered separately by each organisation.

11 Sign Off

Sign off will be required by the Legacy Corporation, The London Borough of Tower Hamlets, Agile Applications Limited to confirm that the transfer has been successfully completed.

- The Legacy Corporation will need to sign off the transfer of the files
- Agile Applications will need to sign off the accuracy and completeness of the transfer of the data
- The London Borough of Tower Hamlets will need to sign that they have satisfactorily received all the data they require

Annex One – Risks

Ref No.	Risk – taken into account risk to individuals, compliance risk & organisation/ corporate risk	Initial Risk score			Proposed solution(s) /mitigating action(s)	Action Lead	Status/Progress	Residual RAG status		
		Likelihood	Impact	RAG status				Likelihood	Impact	RAG status
1	Transfer process does not work	L	H							
2	Transfer incomplete	L	M							
3	Transfer cannot be completed as a server-to-server process	H	H							
4	Issues with content	L	M							
5	Capacity issues, including lock-down pressures	L	L							
6	Disagreements about scope of transfers	L	L							
7	Consistent messages and approach across	M	M							

	all of the workstreams								
8	LBTH new planning system procurement is not complete by agreed data transfer date	<u>H</u>	<u>M</u>	<u>Amber</u>					

Annex Two – Request for Information 1 (Protocol)

Purpose

The purpose of the Request for Information Protocol is to manage any requests for data which may arise once the transfer has been completed, post UAT and sign-off and the formal closure of PPDT as the Local Planning Authority.

Parties to the Protocol

The parties to the protocol are the London Legacy Development Corporation, The London Borough of Tower Hamlets, Agile Applications Limited. Requests will not be considered from any other third parties without authorisation.

This protocol will not be used for Freedom of Information requests or Data Subject Access Requests. It will not be used for the purpose of audit or investigatory authorities who will maintain their own processes for data access.

Applying the Protocol

This protocol will apply to the handling of requests for files in relation to the data which has been transferred from the Legacy Corporation to the recipient organization.

Points of Contact

The Legacy Corporation and The London Borough of Tower Hamlets will have nominated staff who deal with information requests. Only requests from nominated staff using the RFI process will be considered.

Annex Two – Request for Information 2 (Template)

Requested by	Organisation and Department		
		Request number	
		Revision	
		Data requested	
		Date submitted to the Legacy Corporation	
		Date required	
		Date of reply by the Legacy Corporation	
		Date closed	
Request authorised by			
	The Legacy Corporation	Date approved	
Details of information requested			
Reason for information request			
Response or comment from the Legacy Corporation			

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Annex Three – Checklist

Ref	Action	Date	Owner	Done	Comments
CL1	Update EMT member/ Director <ul style="list-style-type: none"> Describe scope and purpose Raise costs Identify budget 	2022	BC (LLDC)	Yes	
CL2	Establish the scope with the business <ul style="list-style-type: none"> Determine potential sources of the data 	2022	BC (LLDC)	Yes	
CL3	Run Treesize / APAS Reports <ul style="list-style-type: none"> Total volume of data Total number of APAS records Data / File types 	2022 / 2023	BC (LLDC) / Agile Applications Ltd	Yes	
CL4	Agree scope with business and receiving organization <ul style="list-style-type: none"> Business user to update EMT member/ Director Collate data to be transferred Update the transfer plan Clarify and agree costs Raise change control Agree transfer timescales 	2022 / 2023	BC (LLDC) / UQ & MN (LBTH)	Yes & Ongoing	
CL5	Agree transfer timetable with the Legacy Corporation, Agile Applications, LB Tower Hamlets	2023	BC (LLDC) / Agile Applications Ltd / UQ & MN (LBTH)	Yes & Ongoing	

Annex Four – Technical Specification 1 (Planning Software & Systems)

Current IT Systems used by PPDT and LBTH

Planning Authority	Current back-office planning IT systems	Current license end date	Intention to extend or replace?	Comments
Legacy Corporation (LLDC)	APAS Planning Application Software – Agile Applications Ltd (Back Office)	Perpetual Licence – Renewed Yearly	Currently no intention to replace An upgrade to the current APAS system to a SaaS operating environment is planned for summer 2022	The APAS system (is a Hosted System) used to process / manage all planning application, pre-application and enforcement matters submitted to the LLDC. The system links externally to the Planning Portal to pull through submitted planning application data and documentation.
	Web APAS - Land and Property Administration – Agile Applications Ltd (Public Facing)	Included as part of the above package	An upgrade to the current Web APAS system is planned for summer 2022	Web APAS is a public facing system (available via our website) that links to our back office APAS system to display data and information to the general public.
	Query Builder – Agile Applications Ltd (Back Office)	Perpetual Licence – Renewed Yearly	Currently no intention to replace	Query Builder (QB) is a back-office system used for querying (and reporting on) planning, pre-application, enforcement, CIL & Section 106 data.
	ArcGIS – Esri (Back Office)	N/A – Access included as part of the GLA family.	N/A – No intention to move to a different platform	ArcGIS is not used directly for Legacy Corporation Planning related matters within PPDT. However various GIS data

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Planning Authority	Current back-office planning IT systems	Current license end date	Intention to extend or replace?	Comments
				layers, provided by the GLA, plug into the GIS element of the APAS system to plot 'Red Line' data and for Consultation / Letter Generation.
	LLDC File Servers – Microsoft Environment	N/A	N/A	Various (duplicate and unique) Planning Authority Information is held in a variety of formats on the Legacy Corporation file servers.
LBTH Page 227	Idox Acolaid 3.8.2.1 Idox DMS Idox Public Access Esri ArcEngine Geodata	End June 2023	Yes Commission new suite of applications (Acolaid is no longer supported for development)	Acolaid is part of an Enterprise suite which also provides functionality for building control and street name/numbering applications, the land charge register and the corporate Land and Street Gazetteers. Acolaid has data import/export interfaces with the Planning Portal, Exacom's CIL management product and the GLA's London Planning Datahub. The Council is currently in preparation for a process of replacing Acolaid's various modules.

Planning Authority	Current back-office planning IT systems	Current license end date	Intention to extend or replace?	Comments
				Currently, there is no intention to replace Esri as the Council's primary GIS.

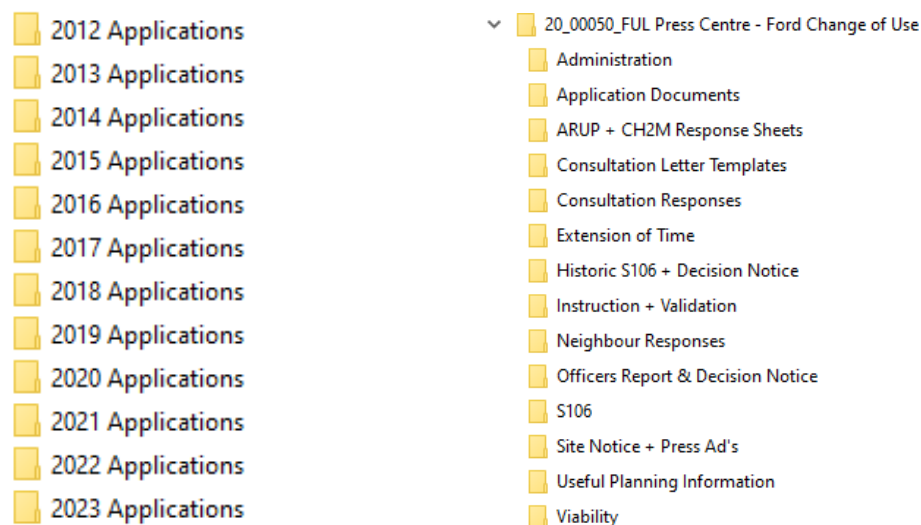
Annex Five – Technical Specification 2 (Technical Environments & Data Breakdown)

Technical Environments –

Legacy Corporation

- The LLDC Network (PPDT) is a primarily Microsoft Environment and PPDT Network Data is predominantly held in a parent / child folder structure. Naming conventions within specific data areas are standard across folder / file types and where applicable are held at the top level by year - for example planning application data:

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- The APAS system is a hosted solution on the Agile Applications Ltd servers. PPDT planning data held within the APAS system is held in a combination of SQL database tables and unstructured mass data storage (Blob).
- Documents and associated information uploaded to or generated by the APAS system is in the following formats:
 - Microsoft Word
 - Microsoft Excel
 - Adobe PDF

LB Tower Hamlets

- LBTH is primarily a Microsoft Environment
- LBTH planning data held within Idox Enterprise for Acolaid Live Enterprise version 3.8.2.1
- LBTH use IDOX DMS and Laserfiche DMS (Global Systems inc.) to hold planning documentation.
- Documents generated by Acolaid are generally produced in Adobe PDF format.

Data Breakdown

- As of May 2023, there are approximately **1,400** closed planning application records within the APAS system that are within the boundary of LBTH.
- The size of the APAS data is approximately **74GB**.
- Planning application data that lies within the QEOP LPA boundary, but on the boundary between LBTH and (TBC), will be aligned with the division of S106 & CIL Data and determined on a case-by-case basis by PPDT & LBTH.

Annex Six – Acronyms and Abbreviations

List of Acronyms & Abbreviations	
Acronym / Abbreviation	Full Description
Acolaid	Planning Application Software (Provided by IDOX Software Ltd)
APAS	Planning Application Software (Provided by Agile Applications Ltd)
BPA	British Paralympic Association
CIL	Community Infrastructure Levy
CMS	Communications, Marketing and Strategy (Directorate of the Legacy Corporation)
DLUHC (Formally) DCLG / MHCLG	Department for Levelling Up, Housing and Communities (Formally - Department for Communities & Local Government / Ministry of Housing, Communities & Local Government)
DSAR	Data Subject Access Request
DTP	Data Transfer Plan
EIR	Environmental Information Regulations
EMT	Executive Management Team (at the Legacy Corporation)
Exacom	CIL / S106 Recording & Tracking Software (Provided by Exacom)
GDPR	General Data Protection Regulation
FOI	Freedom of Information
GIS	Geographic Information System
GLA	Greater London Authority
GLL	Greenwich Leisure Limited
HMLR	Her Majesty's Land Registry
HWFI	Hackney Wick & Fish Island
LAC	London Aquatics Centre
LBH	London Borough of Hackney

LBN	London Borough of Newham
LBTH	London Borough of Tower Hamlets
LBWF	London Borough of Waltham Forest
LLDC	London Legacy Development Corporation
LPA	Local Planning Authority
LS185	Operator of the London Stadium
LTGDC	London Thames Gateway Development Corporation
LVRPA	Lee Valley Regional Park Authority
ODA	Olympic Delivery Authority
OPLC	Olympic Park Legacy Company
PDC	Planning Decisions Committee
POV	Park Operations & Venues
PPDT	Planning Policy & Decision Team
QEOP	Queen Elizabeth Olympic Park
Section 106 / S106 / S106 Obligations	A Legal Agreement between an Applicant seeking planning permission and the Local Planning Authority
SWF	Stratford Water Front
UCL	University College London
Uniform	Planning Application Software (Provided by IDOX Software Ltd)

Annex Seven – His Majesty’s Land Registry Project

Her Majesty’s Land Registry is working in partnership with all local authorities in England and Wales to standardise and migrate local land charges register information to one accessible place.

Although PPDT do not maintain land charge data for properties within the QEOP boundary, it does notify the relevant Borough of the outcome of planning applications to which it is the determining authority. On receipt of the notification the Borough updates its internal land registry records and notifies HMLR.

PPDT will work with the LBTH in preparing their data for migration to the new HMLR system, several discussions have already occurred, and relevant data identified.

Whilst the HMLR project is not part of the scope of DTP project (there are no data transfers involved), there are several areas in common to both projects (decisions data / spatial elements).

Any relevant information that arises from the HMLR project, as it pertains to the DTP project, will be added to this annex as the project progresses.

Annex Eight – Section 106 / Community Infrastructure Levy / Policy Data

PPDT holds data in relation to Section 106 Agreements, Community Infrastructure Levy Payments and general / specific policy areas.

This data is held within the PPDT folders of the O:Drive and consists of Word, Excel and PDF Documentation. There are also duplicate copies of S106 agreements held within the PPDT APAS system as part of the relevant associated planning application.

The data to be transferred is:

- Section 106 Agreements (Copies of S106 agreements held within the PPDT APAS system as part of associated planning applications).
- Community Infrastructure Levy (CIL) Data (Copies of CIL documentation held within the PPDT APAS system as part of associated planning applications).
- Section 106 Agreements (Obligation and Financial Tracking Information held on the **Legacy Corporation** File Server (O:Drive)).
- Community Infrastructure Levy (Liability and Financial Tracking Information held on the **Legacy Corporation** File Server (O:Drive)).
- Local Plan 2020 – 2036 Documentation & GIS Layers held on the **Legacy Corporation** File Server (O:Drive).
- Brownfield Land Registry Information held on the **Legacy Corporation** File Server (O:Drive).
- Housing & Development Monitoring Data (London Development Data (LDD), Starts and Completions
- Spatial (GIS) Data Layers (Boundary, Developments)

Although the S106, CIL and Policy Data Project is being overseen by the Policy Team within PPDT, there is crossover with the overall DTP Project. The project leads for both workstreams are liaising regularly to align agreed principles and the work being performed with regards common areas.

Relevant information that arises from these discussions / respective workstreams will be added to this annex as both projects progress.

A number of meetings of the Planning Policy Forum and individual borough meetings during 2022 and 2023 have helped to establish the following in respect of the transfer of CIL and S106 data, including CIL legal notices and grant funding agreements.

CIL monitoring data will be transferred as a csv file along with copies of PDF notices and associated documents. S106 obligations monitoring data will be provided as a csv file for financial obligations and for non-financial obligations separately for upload with summaries of obligations and identification of discharged and live obligations. There will also be APAS records for S106 obligations that have been submitted for discharge. Associated pdf documents will be provided in terms of S106 Agreements

Discussions on the csv files data structure have taken place and test data provided to each borough for confirmation on the appropriateness of structure for their own records within Exacom

(all boroughs operate Exacom). Discussions are continuing in terms of the individual data structure for each.

Approach to how data is uploaded by boroughs will vary dependent on quantum of data and the current arrangements each has in place. For example, LB Tower Hamlets have an existing contract in place with Obligations Office that could be utilised. LB Waltham Forest have limited amounts of data to receive and may simply need to rely on a manual upload/inputting.

Discussion on the transfer of grant funding agreements and monies is continuing, with an aim to maximise allocation and spend of monies prior to transition in order to simplify and reduce the amount and complexity of distribution of funds and remaining funding obligations and monitoring attached to grant funding agreements. Only a small number of cross-boundary cases exist and there will be further discussion on which borough would take responsibility for an outstanding funding agreements and monies associated with these to ensure arrangements are in place prior to the data and monies transfer dates identified in the transfer plans. It is anticipated that the remaining detail on these matters will crystallise through further discussion through the remainder of 2023.

Annex Nine – Planning Policy & Decision Team Emails

The Legacy Corporation operates within a Microsoft Office 365 environment and emails are managed in Outlook.

Each Legacy Corporation officer has a personal email account.

Within PPDT there are a number of generic email boxes. These include:

- **Planning Enquiries** - PlanningEnquiries@londonlegacy.co.uk
- **Planning Committee** - PlanningCommittee@londonlegacy.co.uk
- **Planning Policy** - PlanningPolicy@londonlegacy.co.uk
- **cilands106** - cilands106@londonlegacy.co.uk

During the 10-year period in which the Legacy Corporation has been the Planning Authority approximately 50+ people have worked in the Directorate. In that period an estimated **51 million** emails have been sent and received.

The issues around emails are as follows:

- It would be labour intensive and costly to separate emails out in relation to specific Planning Applications, appeals and so on
- There would be data protection implications in that any personal data of staff would need to be removed. This again would be costly and labour intensive
- If emails were transferred then LB Tower Hamlets would become responsible for any Subject Access Requests in relation to those emails as it would become the Data Controller
- LB Tower Hamlets would also become responsible for FOI requests in which those emails could be included
- LB Tower Hamlets would have to disclose those emails if requested by a court and this would mean that it would have legal obligations in respect to those emails
- While emails could have supplementary data relating to a planning application the substantive content and information about the planning application, determination process and decision is contained within the applicable planning record within the APAS Planning system, If there are any questions, then this data should be the primary source used for answers.
- The email by definition will be incomplete. It is not the whole picture and discussions which took place in email may have been refuted or challenged in reports, informal discussions and meetings

Annex Ten – Transition Workstreams

In addition to the Data Transfer Project there are a number of additional workstreams in relation to the overall PPDT Transition Project.

Details of these respective workstreams and project leads within PPDT, The Legacy Corporation and the LBTH are:

PPDT

- Anthony Hollingsworth (Director of PPDT) – Legislation, TUPE, Directorate Closure
- Bradley Clauson (Senior Transition & Technical Manager) – Data (Electronic & Physical) Transfer
- Alex Savine (Head of Policy) – S106 / CIL / Policy Data and Finances
- Catherine Smyth (Head of Development Management) – Development Management Service
- Anne Ogundiya (Deputy Head of Development Management) – Development Management Service

The Legacy Corporation (LLDC)

- Ilana Manuel (Senior Programme Manager) - Finance, Commercial and Corporate Services
- Danny Budzak (Senior Information Manager) – Data (Electronic & Physical) Transfer

LB Tower Hamlets


- Umbreen Qureshi – Data
- Paul McHale – IT
- Ranjodh Kaler – IT
- Paul Buckenham – Development Management
- Marissa Ryan-Hernandez – Policy
- Matthew Wong – Policy
- Matthew Pullen – S106 / CIL
- Jonathan Morris – S106 / CIL

Annex Eleven – Timetable

Activity	Date	Responsibility
Borough Discussions post Technical Meetings & Technical Report	May / June 23	Boroughs
Testing the Viability of Manually Uploading the Planning Application Data into Respective Borough Planning Systems	May / June 23	Boroughs / LLDC
Formal Decision by each Borough of the APAS Data Transfer Option	June 23	Boroughs
DTP's General Agreement / Approval / Sign-Off	June 23	LLDC / Boroughs
Submission of Business Cases (Costs / Finance Assistance)	June / July 23	Boroughs
Draft Project Programme (June 23 to Dec 24)	June / July 23	LLDC
Formalisation / Confirmation in the Statutory Instrument (SI) of the Data Transfer Processes & Data Transferring	June / July 23	LLDC
Preliminary Work on the Chosen Transfer Option	July to Sept 23	LLDC / Agile
LLDC to Identify and Confirm which APAS Data Relates to each Borough	Oct 23	LLDC
Analysis and Script Development	Oct 23	Agile / LLDC
Test Extraction – TBC	Dec 23	Agile
Closed / Historic APAS Data Transfer 1 (Bulk Extraction) - TBC	Dec 23	Agile / Boroughs
Review of the (Test / Bulk) Extract by each Borough / Idox - Mapping, Validation, Uploading, Etc. - TBC	Jan 24	Boroughs / Idox
Amendments and Fixes for the Delta Extraction - TBC	Jan 24	Agile
Statutory Transfer Scheme (STS) to Formally Detail Items Included in the Transfer	Jan / Feb 24	LLDC
Optional Additional Test Extraction	TBC / If Required	Agile
Optional Additional Review of the Test Extract by each Borough / Idox - Mapping, Validation, Uploading, Etc.	TBC / If Required	Boroughs / Idox

Amendments and Fixes for the Delta Extraction	May / June 24	Agile
Closed / Historic APAS Data Transfer 2 (Delta Extraction)	July 24	Agile / Boroughs / Idox
Review of the Delta Extract by each Borough / Idox - Mapping, Validation, Uploading, Etc.	From 15th July 2024	Boroughs / Idox
LLDC Network Data Transfer (Identified and Agreed DM & Policy Data) - TBC	Summer 23 through to July 24	LLDC / Boroughs
Active Data Transfer Processes Apply - TBC	July to Nov 24	LLDC / Boroughs
Bi-Weekly / Monthly LLDC Extracts / Reports of New and Closed Data - TBC	July to Nov 24	LLDC / Boroughs
Closeout & Legacy work on Connected IT Systems	Oct / Dec 24	LLDC / Boroughs
Residual Data Transfer 3 (Identified and Agreed DM & Policy LLDC Network Data)	Nov / Dec 24	LLDC / Boroughs
Borough Data Responsibilities Apply	Dec 24	Boroughs

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<p>Cabinet</p> <p>25 October 2023</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Stephen Halsey, Chief Executive Officer</p>	<p>Classification: Unrestricted</p>
<p>Tower Hamlets Homes Articles of Association and Board of Directors</p>	

Lead Member	Councillor Kabir Ahmed, Cabinet Member for Regeneration, Inclusive Development and Housebuilding
Originating Officer(s)	Nicola Klinger, Programme Lead – Housing Management Strategic Review
Wards affected	All wards
Key Decision?	No
Reason for Key Decision	This report has been reviewed as not meeting the Key Decision criteria.
Forward Plan Notice Published	21 August 2023
Exempt information	None
Strategic Plan Priority / Outcome	<ol style="list-style-type: none"> 1. Homes for the future 2. Invest in public services

Executive Summary

On 1 November all housing management services will transfer back to the council and the Management Agreement between the council and Tower Hamlets Homes Limited (THH) (the Company) will end.

The Company will need to follow an administrative process to wind-up and close the company. To enable this process, this report recommends that the Shareholder (Executive of the Council) appoints a new board of directors and approves adoption of a new set of Tower Hamlets Homes Limited Articles of Association to simplify the composition of the board. It also recommends that a members' voluntary liquidation process is completed to wind up the Company.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Agree to the Tower Hamlets Homes Limited Articles of Association to be changed to the articles set out in Appendix One.

2. Appoint a board of three directors, comprised of council officers and members, as set out in s3.9.16.
3. Nominate three board directors and nominate one of these board directors to be Chair of the Board. .
4. Agree the process for winding up Tower Hamlets Homes Limited will be via a members' voluntary liquidation.

1 REASONS FOR THE DECISIONS

1.1 On 1 November all housing management services will transfer back to the council and the Management Agreement between the Council and Tower Hamlets Homes Limited (THH) will end.

1.2 However, the Company will continue to exist for a short time to enable compliance with law (e.g., Companies Act 2006) and compliance with registrar (Companies House) rules.

1.3 Board of directors

1.3.1 Although THH will no longer provide any services and will cease trading from the 1 November 2023, the Company will need to follow an administrative process to wind-up and close the Company. This must be undertaken by the board of directors.

1.3.2 All current board members will resign on the 26 October 2023 at the Company's Annual General Meeting when the Management Agreement ends, and therefore a new board must be appointed to comply with Company Law.

1.3.3 Under the current Articles of Association (the Articles), this would mean appointment of 10 Board members including councillors (Council Board Members), Tenant Board Members and Independent Board Members. The recruitment process for this would take some time.

1.3.4 Additionally, both a Tenant Board Member and two Council Board Members must be present at every meeting to form a quorum. This means relying on the goodwill of volunteers to engage in the administrative process of winding-up a company.

1.3.5 Therefore, this report sets out in s3.9 options for different board compositions. They are:

1. Retain current board composition
2. Appoint one board director
3. Appoint board of three directors (recommended)

1.3.6 A decision is required to establish the board composition and to nominate directors to the board. A simplified board is recommended as this will help speed along the final closure of the Company.

1.4 Articles of Association

1.4.1 Adopting a new set of Articles of Association is the first necessary step if the board were to be constituted in a different way. For example, to have fewer board members.

1.4.2 The Articles set out the minimum and maximum number of board directors and the number of directors required to form a quorum.

1.4.3 The proposed new Articles set out in Appendix 1 reduce the minimum number of board directors to one (with no maximum) and the quorum to one board director. This gives the Executive as Shareholder flexibility to appoint any number of board directors deemed required as long as there is at least one board director.

1.4.4 A decision is required from the Shareholder (the Executive of the Council) to adopt a new set of Articles.

1.4.5 Subsequent to the decision of the Shareholder, should new Articles be approved, these will need to be adopted by the board and registered with Companies House in accordance with the law.

1.5 Wind-up of the Company

1.5.1 There are two processes that could be undertaken to wind-up the Company.

1.5.2 The first option is a member's voluntary liquidation, which uses a liquidator to provide assurance that the liabilities and assets of the Company have been appropriately dealt with.

1.5.3 The second option is to follow the process to strike the company off the register, which does not use a liquidator and required waiting for the Company to have not be trading for at least three months.

1.5.4 A member's voluntary liquidation process is recommended as it will provide the best and because the strike-off process requires a three-month period of the Company not trading before the process can commence.

1.5.5 The board appointed will have responsibility for overseeing the preferred process as indicated by the Executive.

2 ALTERNATIVE OPTIONS

2.1 The board composition could remain as it is or indeed be constituted in any way, as long as there is at least one director.

- 2.2 The current Articles of Association could remain as they are without any amendments, however this would risk the effective wind up of Tower Hamlets Homes Limited. This is due to requirements placed on appointment of Independent and Tenant Board Members, and attendance of at least one Tenant Board Member and two Council Board Members to form a quorum.
- 2.3 The new proposed set of Articles of Association could set a different minimum or maximum of number of directors. However, the proposed set of Articles would not prevent the Shareholder appointing any number of directors (and changing this number from time to time), rather it just ensures the minimum is one director to comply with Company Law.
- 2.4 The wind-up process must either be undertaken via members' voluntary liquidation or strike off the Company from the Companies Register; these are the only two available options. The members' voluntary liquidation process is recommended for reasons detailed in the report.

3 DETAILS OF THE REPORT

- 3.1 Tower Hamlets Homes (THH) Limited (the Company) was set up in July 2008 as an Arms-Length Management Organisation (ALMO) to manage the Council's housing stock. It is wholly owned by the Council and has its own executive board which manages the day-to-day activities of the company.
- 3.2 On 22 February 2023, the Mayor in Cabinet authorised the transfer of housing management services from THH to the Council.
- 3.3 Services provided by THH will return to the Council on 1 November 2023, with the Management Agreement between Tower Hamlets Homes Limited ending on 31 October 2023.
- 3.4 Consequently, the company structure of Tower Hamlets Homes Limited will no longer be required and a voluntary liquidation process to wind down the Company will be undertaken.
- 3.5 Currently, the board composition (as set out by the Articles of Association) is 10 Board Members. This includes four Councillors of the Council (Council Board Members), three Tenant Board Members (at least one of which shall be a leaseholder) and three Independent Board Members.
- 3.6 No Board Members are remunerated and provide their time on a voluntary basis.
- 3.7 It is expected that existing Board Members will retire on or before the transfer date.
- 3.8 The Executive of the Council will therefore need to appoint directors to the board to oversee the wind-down process and ensure that this is completed in accordance with company legislation.

3.9 Board composition

- 3.9.1 The company must have a board of directors (or a singular director) in any scenario. This is a legal requirement and the steps to wind down the process can only be undertaken by the board, in conjunction with the Shareholder.
- 3.9.2 The function of this board would be to oversee and take decisions on the wind-up process only.
- 3.9.3 The board will be required to take decisions on whether the company is considered solvent and advise the Shareholder of this. It will need to ensure that all liabilities are settled and that all assets are returned to the council (as Shareholder).
- 3.9.4 The following sets out three options for the board of directors of the pre-dissolution shell company.
- 3.9.5 Option One – retain current board composition
- 3.9.6 Currently, the board composition (as set out by the Articles of Association) is 10 Board Members. This includes four Councillors of the Council (Council Board Members), three Tenant Board Members (at least one of which shall be a leaseholder) and three Independent Board Members.
- 3.9.7 At least one Tenant Board Member and two Council Board Members must be present at every board meeting to form a quorum.
- 3.9.8 Therefore, if no changes are made to current board composition as set out in the current Articles of Association, new board directors in the manner stated above would need to be recruited which may take some time and delay the process.
- 3.9.9 Additionally, no Board Members are remunerated and provide their time on a voluntary basis. Therefore, the Council would be reliant on the goodwill of at least one Tenant Board Member attending every meeting to form a quorum and, in any event, may well not get any volunteers as the only activities will be the closure of the company apparatus.
- 3.9.10 Option Two – one board director
- 3.9.11 There is an option to appoint one board director. This option requires adoption of the Articles set out in Appendix 1.
- 3.9.12 The sole board director would take all decisions alone and full responsibility for any decisions would sit with the sole director.
- 3.9.13 There are no legal restrictions on who could be appointed as a sole director (other than those set out in Companies Act 2006 which apply to all company directors), however as the director would be acting to complete an

administrative task on behalf of the Shareholder, it is recommended that this is a council officer or member with the skills and ability to dedicate time to completion of the wind-up process.

3.9.14 The director must be able to take on full sole responsibility for all board decisions and advising the Shareholder on matters such as if the company is solvent.

3.9.15 In this model, the Mayor (Shareholder) could become the sole director of the company. This would mean fulfilling dual roles in the process – both those of a director and that of a Shareholder. Effectively, this would mean having to advise as a director and receive that advice as a Shareholder simultaneously, which removes a layer of separation of process and associated protection in the decision-making. However, this also means that the Mayor would have full oversight of the wind-down process.

3.9.16 Option 3 – Appoint new smaller board of three members (recommended)

3.9.17 The preferred option is to form a smaller board than the current board, but that has more than one director. Generally, it is preferable to have an odd number of board directors as this avoids inability to pass resolutions where two board members disagree. Therefore, it is assessed that the optimum number of board directors in this smaller board would be three.

3.9.18 The advantage of having a board which consists of more than one director is that directors can discuss and scrutinise recommendations together and make decisions on this basis. This would be evidenced through minutes of board meetings. It also means that if one board director is not able to attend a meeting, the other two will form a quorum.

3.9.19 In this option multiple board directors with the skills and time to dedicate to the wind-up process will need to be appointed. As in option 2, there are no legal restrictions on who could be appointed as a director (other than those set out in Companies Act 2006 which apply to all company directors), however as the directors would be acting to complete an administrative task on behalf of the Shareholder, it is recommended that the directors are council members or officers with the skills and ability to dedicate time to completion of the wind-up process.

3.9.20 The Articles as set out in Appendix 1 would enable the Shareholder to appoint any number of directors as long there is at least one director.

3.10 **Process to wind-up the Company**

3.10.1 There are two options available to wind up (liquidate) a private company limited by guarantee.

3.10.2 Option 1 (recommended): Members' voluntary liquidation (the company can pay its debts but the shareholder wishes to close it)

3.10.3 This process is appropriate for THH as it is for companies which are solvent, and the Shareholder does not wish to run the business any more.

3.10.4 It gives the Shareholder reassurance that all outstanding matters such as creditors are resolved, and that due process is followed in removing the company from the register.

3.10.5 The process for this is as follows:

- Board of Directors review the company's assets and liabilities
- Board of Directors make a declaration of solvency (they believe it can pay its debts), signed before a solicitor or 'notary public'
- Call a general meeting with the Shareholder no more than 5 weeks later and pass a resolution for voluntary winding up
- At that meeting appoint an authorised insolvency practitioner as a liquidator, who will then take charge of winding up the company.
- Advertise the resolution in The Gazette within 14 days.
- Send the signed declaration to Companies House within 15 days of passing the resolution.

3.10.6 As soon as the liquidator is appointed, they'll take control of the business. The liquidator is an authorised insolvency practitioner or official receiver who runs the liquidation process.

3.10.7 Option 2: Strike off the company from the Companies Register

3.10.7.1 This option is only available to companies which have not traded for three months and therefore the process could not commence any earlier than February 2024.

3.10.7.2 It relies on the board to ensure that all assets and liabilities are settled and a final set out accounts are prepared and audited.

3.10.7.3 As a first step, all assets must be returned to the Shareholder and debts settled.

3.10.7.4 Then, directors must file an application to strike off and send a copy within 7 days to anyone who could be affected including:

- members (usually the shareholders)
- creditors
- employees
- managers or trustees of any employee pension fund
- any directors who did not sign the application form

3.10.7.5 The director(s) must also ensure that final statutory accounts and a Company Tax Return is sent to HMRC and pay all Corporation Tax and any other outstanding tax liabilities.

3.10.7.6 Once the application is accepted by Companies House, the request for the company to be struck off will be published as a notice in The Gazette and if no-one objects within 2 months, the notice will have passed and a second notice will be published so that the company does not legally exist anymore.

4 EQUALITIES IMPLICATIONS

4.1 None.

5 OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 No other statutory implications have been identified.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no financial implications emanating from this report which seeks to amend Tower Hamlets Homes Articles of Association as part of the process to wind down Tower Hamlets Homes and to appoint to a Transition Board.

7 COMMENTS OF LEGAL SERVICES

7.1 The Council's legal housing management functions will be undertaken by the Council rather than Tower Hamlets Homes from the transfer date. However, the company structure of THH will remain as a shell for a short period afterwards because there are several legal and practical steps that need to be undertaken to ensure compliance with the law when a company is formally dissolved. The change in the articles will allow for the appointment of a simplified board and ease the dissolution process.

7.2 Changes to the articles and to the members register as voted in by the company will need to be registered with Companies House in the usual way,

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- None.

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None.

Officer contact details for documents:

N/A

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Tower Hamlets Homes Limited

Articles of Association

Trowers & Hamlins LLP
3 Bunhill Row
London
EC1Y 8YZ

t +44 (0)20 7423 8000
f +44 (0)20 7423 8001
www.trowers.com

trowers & hamlins

Company number: 06249790

Private company limited by Guarantee

Articles of association

of

Tower Hamlets Homes Limited

1 Model articles not to apply

The model articles of association for private companies limited by guarantee contained in Schedule 2 to the Companies (Model Articles) Regulations 2008, as amended prior to the date of adoption of these Articles shall not apply to the company. References to **the articles** shall be to the following articles of association as amended from time.

2 Defined terms

2.1 In the articles, unless the context requires otherwise:

1989 Act means means the Local Government and Housing Act 1989 as amended or reenacted from time to time;

articles means the company's articles of association;

board means the board of directors of the company from time to time;

bankruptcy includes individual insolvency proceedings in a jurisdiction other than England and Wales or Northern Ireland which have an effect similar to that of bankruptcy;

chair has the meaning given in article 17;

chair of the meeting has the meaning given in article 0;

Companies Acts means the Companies Acts (as defined in section 2 of the Companies Act 2006), in so far as they apply to the company;

Company Secretary means the secretary of the company, if any, appointed in accordance with article 27 or any other person appointed to perform the duties of the secretary of the company, including a joint, assistant or deputy secretary;

director means a director of the company, and includes any person occupying the position of director, by whatever name called;

document includes, unless otherwise specified, any document sent or supplied in electronic form;

electronic form has the meaning given in section 1168 of the Companies Act 2006;

Interested Director has the meaning given to it in article 20 and 'Interested Directors' shall be construed accordingly;

member has the meaning given in section 112 of the Companies Act 2006;

Order means the Local Authorities (Companies) Order 1995 as amended or re-enacted from time to time;

ordinary resolution as the meaning given in section 282 of the Companies Act 2006;

Parent means London Borough of Tower Hamlets or any successor body thereto;

participate, in relation to a directors' meeting, has the meaning given in article 15;

proxy notice has the meaning given in article 38;

special resolution has the meaning given in section 283 of the Companies Act 2006;

subsidiary has the meaning given in section 1159 of the Companies Act 2006;

writing means the representation or reproduction of words, symbols or other information in a visible form by any method or combination of methods, whether sent or supplied in electronic form or otherwise; and

working day means any day, which is not a Saturday, Sunday or a statutory or public holiday and 'working days' shall be construed accordingly.

2.2 Unless the context otherwise requires, other words or expressions contained in these articles bear the same meaning as in the Companies Act 2006 as in force on the date when these articles become binding on the company.

3 Liability of members

The liability of each member is limited to £1, being the amount that each member undertakes to contribute to the assets of the company in the event of its being wound up while that member is a member or within one year after that member ceases to be a member, for:

3.1 payment of the company's debts and liabilities contracted before that member ceases to be a member;

3.2 payment of the costs, charges and expenses of winding up, and

3.3 adjustment of the rights of the contributories among themselves.

4 Objects

The company's objects are in the areas where London Borough of Tower Hamlets (**LBTH Council**) own or manage housing stock to:

4.1 manage, maintain, improve, redevelop or convert the housing stock owned or managed by LBTH Council from time to time together with any other amenities or facilities for the benefit of residents of such housing stock either exclusively or together with persons who are not residents of such housing stock;

- 4.2 provide amenities and services of any description for residents of housing stock owned or managed by LBTH Council from time to time either exclusively or together with persons who are not residents of such housing stock:
- 4.3 provide advice and assistance to all tenants, leaseholders, and licensees, of LBTH Council Housing Stock, and to applicants for housing advice in respect of LBTH Council housing stock;
- 4.4 carry out any activity which contributes to the regeneration or development in the area of LBTH (within the meaning of Section 126 of the Housing Grants Construction and Regeneration Act 1996) including but not limited to:
 - 4.4.1 securing that land and buildings are brought into effective use;
 - 4.4.2 contributing to or encouraging economic development;
 - 4.4.3 creating an attractive and safe environment;
 - 4.4.4 preventing crime or reducing the fear of crime;
 - 4.4.5 providing or improving housing or social and recreational facilities for the purpose of encouraging people to live or work in the said area or for the purpose of benefiting people who live there;
 - 4.4.6 providing employment for local people;
 - 4.4.7 providing or improving training, educational facilities or health services for local people;
 - 4.4.8 assisting local people to make use of opportunities for education, training or employment;
 - 4.4.9 meeting the special needs of local people which arise because of disability or because of their sex or the racial group to which they belong;
 - 4.4.10 improving or managing housing to be kept available for letting or hostels;
 - 4.4.11 providing, managing, maintaining or improving accommodation required from time to time for the benefit of persons who require temporary accommodation;
 - 4.4.12 providing services of any description for LBTH Council;
 - 4.4.13 assessing applicants for housing assistance;
 - 4.4.14 assessing applications by residents of housing stock owned or managed by LBTH Council to exercise the right to buy under Part V of the Housing Act 1985; and
 - 4.4.1 enabling or assisting any residents of the housing stock owned or managed by either LBTH Council to acquire, or to acquire and enter into occupation of, houses.

5 Powers

- 5.1 Subject to Article 5.3 the company shall have power to do anything that a natural or corporate person can lawfully do which is necessary or expedient in furtherance of its objects unless prohibited by these Articles.
- 5.2 Subject to Article 5.3 and without limiting the powers described in Article 5.1 the Company shall have power to:
- 5.2.1 carry outworks to land, buildings or other property;
 - 5.2.2 contract with the Council in furtherance of its objects;
 - 5.2.3 subject to the prior written consent of the Council and to such consents as may be required by law to borrow money, issue loan stock or raise money in such manner as the Company shall think fit and to secure the repayment of any money borrowed raised or owing by such security as the Company shall see fit (including by way of floating charge) upon the whole or any part of the Company's property or assets (whether present or future) and also by giving similar security to secure and guarantee the performance by the Company of any obligation or liability it may undertake or which may become binding on it;
 - 5.2.4 insure and arrange insurance cover for the Company from and against all such risks as the Board may think fit and to pay any premium in respect of such insurance;
 - 5.2.5 insure and arrange insurance cover for and to indemnify its employees and voluntary workers and the Council from and against all such risks incurred in the proper performance of their duties as it shall consider appropriate and to pay any premium in relation to indemnity insurance in respect of liabilities of its Board Members or any of them which would otherwise attach to them in respect of any negligence, default, breach of duty or breach of trust of which they may be guilty in respect of the Company provided that such insurance shall not extend to any liability in respect of an act or omission which such Board Member or Board Members knew or ought reasonably to have known was a breach of duty or trust or which was committed by such Board Member or Board Members recklessly without due regard as to whether such act or omission might be a breach of duty or trust;
 - 5.2.6 subject to the prior written consent of the Council invest any monies of the Company not immediately required for the furtherance of its objects as it determines and as permitted by law;
 - 5.2.7 subject to such consents as may be required by law and compliance with all formal guidance issued by the Company's regulators (if any) to purchase or otherwise acquire or to encourage or promote and in any way support or aid the establishment and development of any subsidiary, or any other body established for the purposes of carrying on any trade or business either for the purpose of raising funds for the Company or for the furtherance of the objects of the Company;

- 5.2.8 subject to the prior written consent of the Council make grants or provide services or assistance to such persons and organisations not being a political party and on such terms as the Company shall think fit to further the objects of the Company
- 5.2.9 Subject to the prior written consent of the Council to amalgamate or enter into partnership or into any consortium or arrangement for sharing of funding or profits, co-operation or joint venture with any person or company carrying on or engaged in or about to carry on or engage in any operation capable of being conducted so as directly or indirectly to benefit the Company.

Provided that in case the company shall take or hold any property which may be subject to any trusts, the company shall only deal with or invest the same in such manner as allowed by law, having regard to such trusts.

5.3 Limitations

The company shall not, without the prior written consent of the Parent, have the power to:

- 5.3.1 receive a sum which, if it were a local authority, would be a capital receipt;
- 5.3.2 receive consideration to which, if it were a local authority, Section 61 of the 1989 Act would apply;
- 5.3.3 receive a sum by way of grant from a European Union institution to which, if it were a local authority. Section 63(4) of the 1989 Act would apply;
- 5.3.4 enter into a credit transaction (as defined by Article 12(2) of the Order);
- 5.3.5 with respect to a credit transaction agree to a variation of terms which, if it were a local authority, would be a variation within the meaning of Section 51(1) of the 1989 Act;
- 5.3.6 incur additional liabilities within the meaning of Article 16 of the Order;
- 5.3.7 reduce its liabilities within the meaning of Article 16 of the Order; or
- 5.3.8 cause the same or similar effect under the provisions of the Local Government Act 2003 and Regulations thereunder to the extent that the said Act replaces the provisions rehearsed in sub-articles 5.3.1 to 5.3.7 above and in particular the company shall not do any act or thing which does or might cause the Parent to be in breach of CIPFA Prudential Code of Capital Finance in Local Authorities.

6 Not for Profit

The company is not established or conducted for private gain, any profits or assets are used principally to further its objects.

7 Application of income and property

- 7.1 The property and income of the company must be applied towards the promotion of its objects and cannot be used for the direct or indirect private benefit of members of the company. No part of such property and income may be paid or transferred, directly or

indirectly, by way of dividend, bonus or otherwise howsoever by way of profit, to members of the company.

7.2 No director shall be appointed to any office of the company paid by salary or fees or receive any remuneration or other benefit or money or money's worth from the company provided that nothing in this article 7 prevents any payment in good faith by the company:

7.2.1 of reasonable remuneration to any member who is an officer or employee of the company (not being a director) or who otherwise provides any services to the company;

7.2.2 of interest on money lent by any member of the company at a reasonable and proper rate per annum to be selected by the directors;

7.2.3 of reasonable rent for premises demised or let by any member of the company;

7.2.4 to any director of expenses under article 26 **provided that** no sum shall be paid to a director who is an elected member of the Parent; or

7.2.5 of any premium in respect of any such insurance as is permitted by article 48.

7.3 If upon the winding-up or dissolution of the company there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the company generally, but shall be given or transferred to the Housing Revenue Account as defined in the Local Government and Housing Act 1989 as amended or reenacted from time to time) of the Parent.

8 Directors' general authority

Subject to the articles, the directors are responsible for the management of the company's business, for which purpose they may exercise all the powers of the company.

9 Members' reserve power

9.1 The members may, by special resolution, direct the directors to take, or refrain from taking, specified action.

9.2 No such special resolution invalidates anything which the directors have done before the passing of the resolution.

10 Directors may delegate

10.1 Subject to the articles, the directors may delegate any of the powers which are conferred on them under the articles:

10.1.1 to such person or committee;

10.1.2 by such means (including by power of attorney);

10.1.3 to such an extent;

10.1.4 in relation to such matters or territories; and

10.1.5 on such terms and conditions,

as they think fit.

10.2 If the directors so specify, any such delegation may authorise further delegation of the directors' powers by any person to whom they are delegated.

10.3 The directors may revoke any delegation in whole or part, or alter its terms and conditions.

11 Committees

11.1 Committees to which the directors delegate any of their powers must follow procedures which are based as far as they are applicable on those provisions of the articles which govern the taking of decisions by directors.

11.2 The directors may make rules of procedure for all or any committees, which prevail over rules derived from the articles if they are not consistent with them.

12 Directors to take decisions collectively

12.1 The general rule about decision-making by directors is that any decision of the directors must be either a majority decision at a meeting or a decision taken in accordance with article 13.

12.2 If:

12.2.1 the company only has one director, and

12.2.2 no provision of the articles requires it to have more than one director,

the general rule does not apply, and the director may take decisions without regard to any of the provisions of the articles relating to directors' decision-making.

13 Unanimous decisions

13.1 A decision of the directors is taken in accordance with this article when all eligible directors indicate to each other by any means that they share a common view on a matter.

13.2 Such a decision may take the form of a resolution in writing, which may consist of several copies each signed by one or more eligible directors or to which the eligible directors have otherwise indicated agreement in writing.

13.3 References in this article to eligible directors are to directors who would have been entitled to vote on the matter had it been proposed as a resolution at a directors' meeting.

13.4 A decision may not be taken in accordance with this article if the eligible directors would not have formed a quorum at such a meeting.

14 Calling a directors' meeting

14.1 Any director may call a directors' meeting by giving notice of the meeting to the directors or by authorising the Company Secretary (if any) to give such notice.

14.2 Notice of any directors' meeting must indicate:

- 14.2.1 its proposed date and time;
 - 14.2.2 where it is to take place; and
 - 14.2.3 if it is anticipated that directors participating in the meeting will not be in the same place, how it is proposed that they should communicate with each other during the meeting.
- 14.3 Notice of a directors' meeting must be given to each director, but need not be in writing.
- 14.4 Notice of a directors' meeting need not be given to directors who waive their entitlement to notice of that meeting. A director may waive the requirement that notice of a meeting of the directors or of a committee of the directors be given to that director at any time before or after the date on which the meeting is held by notifying the company to that effect. Where a director gives such notice after the meeting has been held, that does not affect the validity of the meeting, or of any business conducted at it.

15 Participation in directors' meetings

- 15.1 Subject to the articles, directors participate in a directors' meeting, or part of a directors' meeting, when:
- 15.1.1 the meeting has been called and takes place in accordance with the articles, and
 - 15.1.2 they can each communicate to the others any information or opinions they have on any particular item of the business of the meeting.
- 15.2 In determining whether directors are participating in a directors' meeting, it is irrelevant where any director is or how they communicate with each other.
- 15.3 If all the directors participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

16 Quorum for directors' meetings

- 16.1 At a directors' meeting, unless a quorum is participating, no proposal is to be voted on, except a proposal to call another meeting.

16.2 The quorum for the transaction of business of the directors shall be one (1).

17 Chairing of directors' meetings

- 17.1 The Executive of the Council shall nominate a director as the Chair of the Board and may at any time remove the chair of the board from that office.
- 17.2 The person so appointed for the time being is known as the chair.
- 17.3 The Parent may require the directors to terminate the chair's appointment at any time upon giving written notice to the company.
- 17.4 If the chair is not participating in a directors' meeting within five minutes of the time at which it was to start, the participating directors must appoint one of themselves to chair it.

18 Casting vote

- 18.1 If the numbers of votes for and against a proposal are equal, the chair or other director chairing the meeting has a casting vote.
- 18.2 But this does not apply if, in accordance with the articles, the chair or other director is not to be counted as participating in the decision-making process for quorum or voting purposes.

19 Conflicts of interest

- 19.1 If a proposed decision of the directors is concerned with an actual or proposed transaction or arrangement with the company in which a director is interested, then provided that the director has disclosed his interest in such actual or proposed transaction or arrangement with the company in accordance with the Companies Acts or the provisions of these articles and received authorisation in accordance with articles 20.1 and 20.4, that director may be counted as participating in the decision-making process for quorum and voting purposes in respect of any such matter in which the director is in any way interested, and shall not, save as otherwise agreed, be accountable to the company for any benefit which the director derives under or in consequence of any such transaction or arrangement.
- 19.2 For the purposes of this article, references to proposed decisions and decision-making processes include any directors' meeting or part of a directors' meeting.
- 19.3 Subject to 19.4, if a question arises at a meeting of directors or of a committee of directors as to the right of a director to participate in the meeting (or part of the meeting) for voting or quorum purposes, the question may, before the conclusion of the meeting, be referred to the chair whose ruling in relation to any director other than the chair is to be final and conclusive.
- 19.4 If any question as to the right to participate in the meeting (or part of the meeting) should arise in respect of the chair, the question is to be decided by a decision of the directors at that meeting, for which purpose the chair is not to be counted as participating in the meeting (or that part of the meeting) for voting or quorum purposes.

20 Authorisation of directors' conflicts of interest

- 20.1 For the purposes of section 175 of the Companies Act 2006, as amended, consolidated or re-enacted from time to time, the directors shall have the power to authorise any relationship, situation or other matter which would or might otherwise constitute or give rise to a breach by a director of the duty to avoid conflicts of interest set out in that section of the Companies Act 2006 (a **Conflict Situation**). Any reference in these articles to a conflict of interest includes a conflict of interest and duty and a conflict of duties.
- 20.2 For the purposes of sections 175 and 180(4) of the Companies Act 2006 and for all other purposes, it is acknowledged that a director may be or become subject to a Conflict Situation or Conflict Situations as a result of his also being or having been (or being party to an agreement or arrangement or understanding or circumstances under which the director may become) an employee, director, trustee, member, partner, officer or representative of, or a consultant to, or a direct or indirect investor in and/or otherwise involved with or interested in, any of the Parent, the company, its subsidiaries, any of its members or any subsidiary of any of its members.

- 20.3 No director shall be in breach of the duty to avoid conflicts of interest in section 175 of the Companies Act 2006 as a result of, and no authorisation is required in respect of, any Conflict Situation envisaged by article 19.2 having arisen or existing in relation to that director.
- 20.4 Authorisation of a matter under this article 20 shall be effective only if:
- 20.4.1 the matter in question shall have been proposed in writing for consideration by the directors, or in such other manner as the directors may determine;
 - 20.4.2 any requirement as to the quorum at the meeting of the directors at which the matter is considered is met without counting the director in question and any other Interested Director (together, the **Interested Directors**); and
 - 20.4.3 the matter was agreed to without the Interested Directors voting or would have been agreed to if the votes of the Interested Directors had not been counted.
- 20.5 Unless otherwise determined by the directors (excluding the Interested Directors), any authorisation of a matter under this article 20 shall extend to any actual or potential conflict of interest which may reasonably be expected to arise out of the matter so authorised.
- 20.6 Any authorisation of a matter under this article 20 shall be on such terms and/or conditions as the directors (excluding the Interested Directors) may determine, whether at the time such authorisation is given or subsequently and may be varied or terminated by the directors (excluding the Interested Directors) at any time. Such terms or conditions may include (without limitation) terms and conditions as to the duration, renewal and/or revocation of the authorisation, and/or the exclusion of the Interested Directors from all information and discussion of the matter in question. A director shall comply with any obligations imposed on that director by the directors (excluding the Interested Directors) pursuant to any such authorisation.
- 20.7 If a director receives or has received any information otherwise than by virtue of his position as a director of the company and in respect of which the director owes a duty of confidentiality to another person, the director is under no obligation to:
- 20.7.1 disclose any such information to the company, the directors or any other director or employee of the company; or
 - 20.7.2 use or apply any such information in connection with the performance of his duties as a director;
- provided that to the extent that such duty of confidentiality arises out of a situation or relationship which would or might otherwise constitute or give rise to a breach by the director of the duty to avoid conflicts of interest set out in section 175 of the Companies Act 2006, this article 20.7 shall apply only if such situation or relationship has been authorised by the directors under this article 20.
- 20.8 A director shall not, save as otherwise agreed by that director, be accountable to the company for any benefit which the director (or a person connected with that director) derives from any matter authorised by the directors under this article and any contract, transaction or arrangement relating thereto shall not be liable to be avoided on the grounds of any such benefit.

21 Records of decisions to be kept

21.1 The directors must ensure that the company keeps a record, in writing, for at least 10 years from the date of the meeting, appointment and/or decision recorded (as applicable), of:

21.1.1 all proceedings at meetings of the directors and of committees of the board including the names of the directors present at each such meeting;

21.1.2 all appointments of officers made by the board; and

21.1.3 every unanimous or majority decision taken by the directors.

22 Directors' discretion to make further rules

Subject to the articles, the directors may make any rule which they think fit about how they take decisions, and about how such rules are to be recorded or communicated to directors.

23 The board

Unless otherwise determined by ordinary resolution, the number of directors is not subject to any maximum and the minimum number is one (1).

24 Appointment and removal of directors

24.1 Notwithstanding any other provision of these articles, the Parent may at any time and from time to time:

24.1.1 appoint any person to be a director (provided that any such appointment does not cause the number of directors to exceed a number fixed by or in accordance with these articles as the maximum number of directors); and/or

24.1.2 remove any director from office.

24.2 Every such appointment or removal shall be effected by notice in writing to the company and shall take effect immediately (or on such later date, if any, specified in the notice). Any such notice of appointment or removal may consist of several documents in similar form, each signed by or on behalf of one or more holders.

24.3 In any case where, as a result of death, the company has no members and no directors, the personal representatives of the last member to have died have the right, by notice in writing, to appoint a person to be a director.

24.4 For the purposes of 24.3 where 2 or more members die in circumstances rendering it uncertain who was the last to die, a younger member is deemed to have survived an older member.

25 Termination of director's appointment

A person shall be ineligible for appointment to the board and if already appointed ceases to be a director as soon as:

25.1 that person ceases to be a director by virtue of any provision of the Companies Act 2006 or is prohibited from being a director by law;

- 25.2 that person has for more than six consecutive months been absent without permission of the directors from meetings of directors held during that period and the directors resolve that his office be vacated;
- 25.3 a bankruptcy order is made against that person;
- 25.4 a composition is made with that person's creditors generally in satisfaction of that person's debts;
- 25.5 a registered medical practitioner who is treating that person gives a written opinion to the company stating that that person has become physically or mentally incapable of acting as a director and may remain so for more than three months;
- 25.6 notification is received by the company from the director that the director is resigning from office, and such resignation has taken effect in accordance with its terms'
- 25.7 that person is an employee of any member of the company and ceases to be employed as such for any reason;
- 25.8 that person is a removed by the Parent by a notice in writing to the company; or
- 25.9 that person is or becomes a person disqualified from elected membership of a local authority.

26 Directors' expenses

The company may pay any reasonable expenses which the directors properly incur in connection with their attendance at:

- 26.1 meetings of directors or committees of directors; or
- 26.2 general meetings;
- 26.3 separate meetings of the holders of debentures of the company, or otherwise in connection with the exercise of their powers and the discharge of their responsibilities in relation to the company,

or otherwise in connection with the exercise of their powers and the discharge of their responsibilities in relation to the company **provided that** no sum shall be paid to a director who is an elected member of the Parent in excess of that permitted by the Order.

27 Company secretary

The directors may appoint a Company Secretary for such term, at such remuneration and upon such conditions as they think fit. Any Company Secretary may be removed or replaced by the directors.

28 Applications for membership

No person (other than the Parent) shall become a member of the company unless:

- 28.1 that person has completed an application for membership in a form approved by the Parent, and

28.2 the Parent has approved the application.

29 Termination of membership

29.1 A member may withdraw from membership of the company by giving 7 days' notice to the company in writing.

29.2 Membership is not transferable.

29.3 A person's membership terminates when that person dies or ceases to exist.

30 Attendance and speaking at general meetings

30.1 A person is able to exercise the right to speak at a general meeting when that person is in a position to communicate to all those attending the meeting, during the meeting, any information or opinions which that person has on the business of the meeting.

30.2 A person is able to exercise the right to vote at a general meeting when:

30.2.1 that person is able to vote, during the meeting, on resolutions put to the vote at the meeting, and

30.2.2 that person's vote can be taken into account in determining whether or not such resolutions are passed at the same time as the votes of all the other persons attending the meeting.

30.3 The directors may make whatever arrangements they consider appropriate to enable those attending a general meeting to exercise their rights to speak or vote at it.

30.4 In determining attendance at a general meeting, it is immaterial whether any two or more members attending it are in the same place as each other.

30.5 Two or more persons who are not in the same place as each other attend a general meeting if their circumstances are such that if they have (or were to have) rights to speak and vote at that meeting, they are (or would be) able to exercise them.

31 Quorum for general meetings

No business other than the appointment of the chair of the meeting is to be transacted at a general meeting if the persons attending it do not constitute a quorum. A duly appointed representative of the Parent shall constitute a quorum.

32 Chairing general meetings

32.1 If the directors have appointed a chair, the chair shall chair general meetings if present and willing to do so.

32.2 If the directors have not appointed a chair, or if the chair is unwilling to chair the meeting or is not present within ten minutes of the time at which a meeting was due to start:

32.2.1 the directors present, or

32.2.2 (if no directors are present), the meeting,

must appoint a director or member to chair the meeting, and the appointment of the chair of the meeting must be the first business of the meeting.

32.3 The person chairing a meeting in accordance with this article is referred to as "the chair of the meeting".

33 Attendance and speaking by directors and non-members

33.1 Directors may attend and speak at general meetings, whether or not they are members.

33.2 The chair of the meeting may permit other persons who are not members of the company to attend and speak at a general meeting.

34 Adjournment

34.1 If the persons attending a general meeting within half an hour of the time at which the meeting was due to start do not constitute a quorum, or if during a meeting a quorum ceases to be present, the chair of the meeting must adjourn it.

34.2 The chair of the meeting may adjourn a general meeting at which a quorum is present if:

34.2.1 the meeting consents to an adjournment, or

34.2.2 it appears to the chair of the meeting that an adjournment is necessary to protect the safety of any person attending the meeting or ensure that the business of the meeting is conducted in an orderly manner.

34.3 The chair of the meeting must adjourn a general meeting if directed to do so by the meeting.

34.4 When adjourning a general meeting, the chair of the meeting must:

34.4.1 either specify the time and place to which it is adjourned or state that it is to continue at a time and place to be fixed by the directors, and

34.4.2 have regard to any directions as to the time and place of any adjournment which have been given by the meeting.

34.5 If a general meeting is adjourned, then notice of the time and place to which it is adjourned shall be given:

34.5.1 to the same persons to whom notice of the company's general meetings is required to be given; and

34.5.2 containing the same information which such notice is required to contain.

34.6 No business may be transacted at an adjourned general meeting which could not properly have been transacted at the meeting if the adjournment had not taken place.

35 Voting: general

A resolution put to the vote of a general meeting must be decided on a show of hands unless a poll is duly demanded in accordance with the articles.

36 Errors and disputes

36.1 No objection may be raised to the qualification of any person voting at a general meeting except at the meeting or adjourned meeting at which the vote objected to is tendered, and every vote not disallowed at the meeting is valid.

36.2 Any such objection must be referred to the chair of the meeting whose decision is final.

37 Poll votes

37.1 A poll on a resolution may be demanded:

37.1.1 in advance of the general meeting where it is to be put to the vote, or

37.1.2 at a general meeting, either before a show of hands on that resolution or immediately after the result of a show of hands on that resolution is declared.

37.2 A poll may be demanded by:

37.2.1 the chair of the meeting;

37.2.2 the directors;

37.2.3 any member (present in person or by proxy) having the right to attend and vote at the meeting or by a duly authorised representative of a corporation.

37.3 A demand for a poll may, before the poll is taken, be withdrawn. A demand so withdrawn shall not invalidate the result of a vote on a show of hands declared before the demand was made. Polls must be taken immediately and in such manner as the chair of the meeting directs.

38 Content of proxy notices

38.1 Proxies may only validly be appointed by a notice in writing (a **proxy notice**) which:

38.1.1 states the name and address of the member appointing the proxy;

38.1.2 identifies the person appointed to be that member's proxy and the general meeting in relation to which that person is appointed;

38.1.3 is signed by or on behalf of the member appointing the proxy, or is authenticated in such manner as the directors may determine; and

38.1.4 is delivered to the company in accordance with the articles and any instructions contained in the notice of the general meeting to which they relate.

38.2 The company may require proxy notices to be delivered in a particular form, and may specify different forms for different purposes.

38.3 Proxy notices may specify how the proxy appointed under them is to vote (or that the proxy is to abstain from voting) on one or more resolutions.

38.4 Unless a proxy notice indicates otherwise, it must be treated as:

38.4.1 allowing the person appointed under it as a proxy discretion as to how to vote on any ancillary or procedural resolutions put to the meeting, and

38.4.2 appointing that person as a proxy in relation to any adjournment of the general meeting to which it relates as well as the meeting itself.

39 Delivery of proxy notices

39.1 A person who is entitled to attend, speak or vote (either on a show of hands or on a poll) at a general meeting remains so entitled in respect of that meeting or any adjournment of it, even though a valid proxy notice has been delivered to the company by or on behalf of that person.

39.2 An appointment under a proxy notice may be revoked by delivering to the company a notice in writing given by or on behalf of the person by whom or on whose behalf the proxy notice was given.

39.3 A notice revoking a proxy appointment only takes effect if it is delivered before the start of the meeting or adjourned meeting to which it relates.

39.4 If a proxy notice is not executed by the person appointing the proxy, it must be accompanied by written evidence of the authority of the person who executed it to execute it on the appointor's behalf.

40 Proxies and corporate representatives

The failure of any proxy or corporate representative to vote in accordance with any instructions given by the member by whom such proxy or corporate representative is appointed shall not invalidate the result of any vote in which the proxy or corporate representative has participated and the company and the directors shall be under no duty to enquire as to the instructions given to any such proxy or corporate representative.

41 Amendments to resolutions

41.1 An ordinary resolution to be proposed at a general meeting may be amended by ordinary resolution if:

41.1.1 notice of the proposed amendment is given to the company in writing by a person entitled to vote at the general meeting at which it is to be proposed not less than 48 hours before the meeting is to take place (or such later time as the chair of the meeting may determine), and

41.1.2 the proposed amendment does not, in the reasonable opinion of the chair of the meeting, materially alter the scope of the resolution.

41.2 A special resolution to be proposed at a general meeting may be amended by ordinary resolution, if:

41.2.1 the chair of the meeting proposes the amendment at the general meeting at which the resolution is to be proposed, and

41.2.2 the amendment does not go beyond what is necessary to correct a grammatical or other non-substantive error in the resolution.

41.3 If the chair of the meeting, acting in good faith, wrongly decides that an amendment to a resolution is out of order, the chair's error does not invalidate the vote on that resolution.

42 Written resolutions and decisions of the Parent

42.1 A proposed written resolution of the members of the company (or of a class of members) shall lapse if it is not passed before the end of the period of six months beginning with the circulation date of such resolution (as defined in section 290 of the Companies Act 2006).

42.2 If the Parent makes a decision which is required to be taken in a general meeting or by means of a written resolution, that decision shall be valid and effectual as if agreed by the company in general meeting. Any decision taken by the Parent pursuant to this article 42.2 shall be recorded in writing and delivered by the Parent to the company for entry in the company's minute book.

43 Means of communication to be used

43.1 Subject to the articles, anything sent or supplied by or to the company under the articles may be sent or supplied in any way in which the Companies Act 2006 provides for documents or information which are authorised or required by any provision of that Act to be sent or supplied by or to the company.

43.2 Subject to the articles, any notice or document to be sent or supplied to a director in connection with the taking of decisions by directors may also be sent or supplied by the means by which that director has asked to be sent or supplied with such notices or documents for the time being.

43.3 A director may agree with the company that notices or documents sent to that director in a particular way are to be deemed to have been received within a specified time of their being sent, and for the specified time to be less than 48 hours.

43.4 Any notice, document or other information shall be deemed served on or delivered to the intended recipient:

43.4.1 if properly addressed and sent by prepaid United Kingdom first class post to an address in the United Kingdom, 48 hours after it was posted (or five working days after posting either to an address outside the United Kingdom or from outside the United Kingdom to an address within the United Kingdom, if (in each case) sent by reputable international overnight courier addressed to the intended recipient, provided that delivery in at least five working days was guaranteed at the time of sending and the sending party receives a confirmation of delivery from the courier service provider);

43.4.2 if properly addressed and delivered by hand, when it was given or left at the appropriate address;

43.4.3 if properly addressed and sent or supplied by electronic means, one hour after the document or information was sent or supplied; and

43.4.4 if sent or supplied by means of a website, when the material is first made available on the website or (if later) when the recipient receives (or is deemed to have received) notice of the fact that the material is available on the website.

43.5 For the purposes of this article, no account shall be taken of any part of a day that is not a working day.

43.6 In proving that any notice, document or other information was properly addressed, it shall be sufficient to show that the notice, document or other information was delivered to an address permitted for the purpose by the Companies Act 2006.

44 Company seals

44.1 Any common seal may only be used by the authority of the directors.

44.2 The directors may decide by what means and in what form any common seal is to be used.

44.3 Unless otherwise decided by the directors, if the company has a common seal and it is affixed to a document, the document must also be signed by at least one authorised person in the presence of a witness who attests the signature.

44.4 For the purposes of this article, an authorised person is:

44.4.1 any director of the company;

44.4.2 the company secretary (if any); or

44.4.3 any person authorised by the directors for the purpose of signing documents to which the common seal is applied.

45 No right to inspect accounts and other records

Except as provided by law or authorised by the directors or an ordinary resolution of the company, no person is entitled to inspect any of the company's accounting or other records or documents merely by virtue of being a member.

46 Provision for employees on cessation of business

The directors may decide to make provision for the benefit of persons employed or formerly employed by the company or any of its subsidiaries (other than a director or former director or shadow director) in connection with the cessation or transfer to any person of the whole or part of the undertaking of the company or that subsidiary.

47 Indemnity

47.1 The company may indemnify any relevant officer out of the assets of the company from and against any loss, liability or expense incurred by that director or those directors in relation to the company (including any liability incurred in connection with the activities of the company or an associated company in its capacity as a trustee of an occupational pension scheme (as defined in section 235(6) of the Companies Act 2006)) provided that this article shall have effect, and any indemnity provided by or pursuant to it shall apply, only to the extent permitted by, and subject to the restrictions of, the Companies Act 2006. This article does not allow for or provide (to any extent) an indemnity which is more extensive than as permitted by the Companies Act 2006 and any such indemnity is limited accordingly. This article is also without prejudice to any indemnity to which any person may otherwise be entitled.

47.2 To the extent permitted by, and subject to the restrictions in, the Companies Act 2006 and without prejudice to any indemnity to which a relevant officer may otherwise be entitled, the board shall have the power to provide funds to meet any expenditure incurred or to be incurred by any relevant officer in defending any criminal or civil (including regulatory) proceedings, or in connection with an application under the Companies Act 2006, or to enable the relevant officer to avoid incurring such expenditure.

47.3 Without prejudice to the provisions of article 48, the directors may exercise all the powers of the company to purchase and maintain insurance for the benefit of any person who is a relevant officer or an employee or former employee of the company or any associated company or who is or was a trustee of a retirement benefits scheme or another trust in which a relevant officer or an employee or former employee is or has been interested, indemnifying the relevant officer, employee or former employee against liability for negligence, default, breach of duty or breach of trust or any other liability which may lawfully be insured against by the company.

47.4 In these articles:

47.4.1 companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate;

47.4.2 relevant officer means any current or former director, secretary or other officer of the company or an associated company (including any company which is a trustee of an occupational pension scheme (as defined in section 235(6) of the Companies Act 2006)), other than any person (whether an officer or not) engaged by the company (or associated company) as an auditor, to the extent they act as an auditor.

48 Insurance

48.1 The directors may decide to purchase and maintain insurance, at the expense of the company, for the benefit of any relevant director in respect of any relevant loss.

48.2 In this article:

48.2.1 a "relevant director" means any director or former director of the company or an associated company;

48.2.2 a "relevant loss" means any loss or liability which has been or may be incurred by a relevant director in connection with that director's duties or powers in relation to the company, any associated company or any pension fund or employees' share scheme of the company or associated company; and

48.2.3 companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate.