

Give LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE CABINET****HELD AT 5.40 P.M. ON WEDNESDAY, 24 JULY 2024****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 Musthak Ahmed	(Cabinet Member for Jobs, Enterprise, Skills and Growth)
Councillor Saied Ahmed	(Cabinet Member for Resources and the Cost of Living)
Councillor Shafi Ahmed	(Cabinet Member for Environment and the Climate Emergency)
Councillor Kamrul Hussain	(Cabinet Member for Culture and Recreation)
Councillor Gulam Kibria Choudhury	(Cabinet Member for Health, Wellbeing and Social Care)
Councillor Abu Chowdhury	(Cabinet Member for Safer Communities)
Councillor Abdul Wahid	(Cabinet Member for Customer Service, Equalities and Social Inclusion)

Other Councillors Present in Person:

Councillor Nathalie Bienfait	Scrutiny Lead for Environment and the Climate Emergency
Councillor Sirajul Islam	Leader of the Opposition

Officers Present in Person:

John Ainsworth	(Senior Performance Improvement Analyst)
Ashraf Ali	(Director of Public Realm)
Yasmin Ali	(Development Project Manager, Place)
Vicky Allen	(Strategy, Policy & Performance Officer, Strategy, Policy and Equality, Governance)
Dr Somen Banerjee	(Director of Public Health)
Liam Crosby	Associate Director of Public Health (Acting)
Andy Grant	(Interim Programme Director of Procurement)
Stephen Halsey	(Chief Executive)
John Harrison	(Director of Corporate Efficiency)
Steven Heywood	(Planning Officer, Plan Making Team)
Dave Hughes	(Interim Director of Regeneration and Assets)
Abdulrazak Kassim	(Director Finance, Procurement and Audit)
Steve Reddy	(Corporate Director, Children's Services)
Sripriya Sudhakar	Director of Planning and Building Control

Joel West
Richard Williams
Sam Harney

(Democratic Services Team Leader (Committee))
Business Manager Operational PR
(Mayor's Political Advisor)

Officers In Attendance Virtually:

Richard Ward (Head of Commercial & Contracts)

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no declarations.

3. UNRESTRICTED MINUTES

RESOLVED:

1. That the unrestricted minutes of the Cabinet meeting held on Wednesday 10 July be approved and signed by the Mayor as a correct record of proceedings, subject to removal of references to urgency wording on item 6.6 'Approval of the council's revised Homelessness Accommodation Placement Policy'.

4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR

See the minutes.

5. OVERVIEW & SCRUTINY COMMITTEE

5.1 Chair's Advice of Key Issues or Questions

See the minutes.

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

See the minutes.

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 Tower Hamlets Council Strategic Plan: Performance Targets for 2024/25 and Annual Delivery Plan

DECISION

1. Approve the targets set for 2024/25 (Appendix A to the report).
2. Note the target-setting rationale for each performance measure.

Action by**CORPORATE DIRECTOR**

Data Analytics, Business Intelligence and Performance Lead (D. Plumer)

Reasons for the decision

It is important that the council sets appropriate targets against its chosen set of performance measures to deliver on its key priorities in the year ahead.

Alternative options

Cabinet may choose not to approve targets for one or more performance measures. In this case the service concerned will be asked to reassess and adjust the targets.

6.2 Tower Hamlets Local Plan 2038 – Proposed Submission Version

Reasons for urgency were agreed as set out in the report.

DECISION

1. To approve Option A as set out in the report – Publication of the Local Plan, with changes to the approach to tall buildings, with the aim to increase housing supply to the borough and note the legal and finance sections of the report
2. Note that alongside publication of the chosen proposed submission version of the Tower Hamlets Local Plan 2038, the accompanying policies map, Integrated Impact Assessment, consultation statement, and evidence base studies will also be published for the six-week public consultation;
3. Authorise the Corporate Director for Housing and Regeneration, in consultation with the Mayor, to make any appropriate and necessary minor amendments to the chosen proposed submission version of the Local Plan and any associated documents prior to the commencement of the consultation, should Cabinet approve publication;
4. Agree that, following Regulation 19 consultation, a report will be brought to Full Council noting any risks emerging from the Regulation 19 consultation responses and seeking approval to submit the Local Plan and associated documents to the Secretary of State for Housing, Communities and Local Government to begin an independent examination in public.

Action by**CORPORATE DIRECTOR OF HOUSING AND REGENERATION (P. PATTERSON)**

Director of Planning and Building Control (S. Sudhakar)

Reasons for the decision

Local plans are a key document within the English planning system, with their role and content laid out under the Town and Country Planning Act 1990 (TCPA) and the Planning and Compulsory Purchase Act 2004 (PCPA), and related regulations. They provide an opportunity for a Local Planning Authority to set out a strategic vision for how development within their area should take place, and to set out detailed policies against which proposals for new development will be assessed. This ensures that decisions about development are taken positively, and that residents, councillors and developers have a clear understanding of the kind of development that will be considered acceptable. If a development proposal conforms with the development plan for an area (which includes the London Plan, the Local Plan, and any relevant neighbourhood plans), there is a strong presumption in national policy that it should be approved; where a proposal conflicts with the development plan, permission should not usually be granted.

The proposed submission versions of the Local Plan submitted with this report has been through significant internal consultation with relevant teams across the council and reflects the council's priorities in areas including affordable housing, housing quality, tall buildings, employment policy, community infrastructure, environmental policy, and transport and connectivity. It has also undergone two rounds of public consultation – an early engagement exercise to determine what the plan should include, and a statutory consultation (known as a Regulation 18 consultation) on a previous draft of the plan. The next stage of the plan making process under the legislation is a second round of statutory consultation, known as a Regulation 19 consultation, and then submission of the plan to the Secretary of State to begin the examination process.

The National Planning Policy Framework (NPPF, latest version dated December 2023) is the key document setting out national planning policy. The current version states that “policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary” (paragraph 33). If local plans are not reviewed and, where necessary, updated every five years there is a risk that the policies the plan contains may be considered out-of-date. If the relevant policies for determining an application are considered out-of-date, the NPPF sets a strong presumption in favour of granting permission even where there is a conflict with those policies. This situation can lead to the council losing planning appeals, and inappropriate development being granted permission.

The Levelling Up and Regeneration Act (LURA 2023) introduced a new approach to the plan-making system. This would necessitate a different approach to the production of a local plan. However, under transitional arrangements, plans submitted to the Secretary of State before 30 June 2025 will be examined under the existing plan-making system. The recommendations in this report would ensure that the Local Plan can be submitted before that deadline – if this is not achieved, the process of producing a sound local plan will need to begin again under the new system

introduced by the LURA 2023, adding significant delay and cost to the process.

In addition to the legal and national policy requirements to produce a new local plan, there have been a number of social, environmental, political, economic and local changes that require an up-to-date response, including acute overcrowding, the impacts of the coronavirus pandemic and Brexit, the cost-of-living crisis, the election of a new administration in Tower Hamlets and new planning ambitions of the incoming national Labour government. Imminent publication of a revised version of the NPPF has been trailed by the new national government, but as of writing, has yet to be published. It is expected at the end of July 2024.

The council's current Local Plan was adopted in January 2020. The recommendations in this report would ensure that the updated Local Plan can be submitted well before the 30 June 2025 deadline, and the new Local Plan will be adopted in 2025 (subject to Planning Inspectorate timescales for the examination), ensuring that the development plan for the borough remains up-to-date and the council will be able to continue making positive decisions on planning applications in line with the strategic vision and detailed requirements of the Local Plan.

Alternative options

Options A-E as below and for which detailed descriptions are provided in the report submitted.

- Option A – approve publication of the Local Plan, with changes to the approach to tall buildings
- Option B – approve publication of the Local Plan, without changes to the approach to tall buildings
- Option C – retain the current Local Plan
- Option D – undertake partial review of current local plan
- Option E – undertake further work on the new local plan before consultation and submission.

6.3 Reduction and Recycling Plan Progress Report - Quarter 4, 2023

This item was withdrawn by the Mayor.

Reasons for the decision

Not applicable.

Alternative options

Not applicable.

6.4 Public Space Protection Order - Tackling dog related anti-social behaviour.

DECISION

1. Agree the proposal to hold public consultation and engagement about establishing a PSPO as the control mechanism.

2. Agree on the specific public spaces protection order conditions recommended by officers to consult residents and other key stakeholders on, as set out below:

Order	Recommended proposal for consultation – Order applied to
Dog Fouling	<ul style="list-style-type: none"> All public spaces in the borough
Dogs on lead by direction	<ul style="list-style-type: none"> All public spaces in the borough
Dog exclusion areas	<ul style="list-style-type: none"> All gated play parks and sports areas managed by London Borough of Tower Hamlets Option to include all ungated play parks and sports areas managed by London Borough of Tower Hamlets
Dogs on leads	<ul style="list-style-type: none"> All public spaces in the borough including on roads and in car parks and all communal areas on estates. <p>Excepting:</p> <ul style="list-style-type: none"> Dog exclusion areas Defined areas of parks and open spaces managed by London Borough of Tower Hamlets
Maximum number of dogs	<ul style="list-style-type: none"> All public spaces in the borough. One person can take out no more than four dogs at any one time. Guage opinion on introducing a professional dog walking license.

3. Agree the proposed consultation questions (Appendix 1)
4. Agree the consultation and engagement plan (Appendix 2)
5. Note the draft Equalities Impact Assessment, which will be finalised post consultation (Appendix 3).
6. Note the alternative options analysis assessment (Appendix 4).

Action by
CORPORATE DIRECTOR COMMUNITIES (S. BAXTER)
 Interim Director Public Realm (A. Ali)

Reasons for the decision

In summer 2023 following a spate of dog attack incidents involving out of control, dangerous and nuisance dogs and their owners officers were asked to explore options on how the council could tackle those dog owners who behave in an anti-social irresponsible way in our public spaces.

A Task and Finish group was set up and concluded that the introduction of a Public Spaces Protection Order (PSPO) for controlling dogs could be the appropriate tool to support council officers to limit the number of incidents of anti-social behaviour relating to dog control.

A PSPO provides a legal power to the council to fine dog owners who do not adhere to the conditions of the PSPO. The introduction of a PSPO and the publicity and communications surrounding the introduction of it is expected to prompt good dog management. As a result of introducing a PSPO it would be expected that the number of future dog related ASB incidents would reduce, though this would be hard to quantify.

The PDSA Animal Wellbeing (PAW) Report is the UK's largest annual assessment of pet wellbeing. According to the Paw Report 2024¹, there has been an increase in dog bite cases in recent years (UK wide). The number of dog bite-related hospital admissions in England between 1998 and 2018 showed an increase in adult cases. In 2024 there has been significantly more dogs that have bitten a stranger in the home where professional medical care has been needed (1.2%) compared to 2022 (0.55%).

Data indicates that dog related ASB has been increasing. Over the past couple of years over 100 Members Enquiries or complaints have been dealt with, almost 400 enforcement cases, 182 reports of dog fouling via the council's Find It Fix It app and an increasing number of police issued Fixed Penalty Notices or arrests (see appendix for more information).

Tower Hamlets has a high and increasing population. The borough is densely populated and the majority of residents live in flats. Residents rely on public spaces such as parks for their exercise and enjoyment including the exercising of dogs. It is essential that residents can undertake these activities without risk or fear of harm.

We know that the vast majority of dogs are peaceful and dog owners are law abiding and respectful of others around them. It is therefore important to ensure we neither demonise all dogs nor penalise responsible dog owners, and that any action we take is proportionate. It is important that any action taken goes hand in hand with looking at how we tackle fear, misinformation and negative perception about dog behaviour and control.

This report seeks approval to go out to public consultation to establish a public spaces protection order as the control mechanism for tackling this issue. Following consultation, the proposal will be finalised and is expected to be presented to Cabinet for ratification later in 2024.

Alternative options

“Do nothing” option. The council could choose not to introduce a PSPO. The council’s current powers for controlling dogs are limited. This would mean a continuation of the status quo, which is has not been seen as providing adequate protection to residents.

An alternative to the introduction of a PSPO could be considered. Alternatives include: use of community protection notices, injunctions, and other methods of tackling anti-social behaviour. These are all options for dealing with specific individuals and would not be appropriate for addressing a wider problem. The consensus from the task and finish group (made up of representatives from community safety, THEOs, parks, animal warden, THEOs, THH and the Met Police), was that a public space protection order was the best way forward to tackle this issue.

6.5 Contracts Forward Plan – Q1 – FY 2024-2025

The Mayor announced that he noted and agreed the following urgency reasons for this report:

This item missed the statutory publication deadline due to several ongoing and complex clarifications needed on 2 of the appendices within the report. These are now resolved and the amendments made within the appended documents.

The report lists 5 items for either contract extension or a new procurement and these are all very tightly time bound, any delay past Cabinet will result in delays in getting to market which may result in services being delayed or stopped this in turn may lead to significant financial and reputational damage arising from services being delayed/stopped.

DECISION

1. Authorise the appropriate Corporate Director in consultation with the Mayor to award those contracts set out in Appendix 1 following an appropriate procurement exercise, subject to amending R6021 Housing and Benefits IT System – Hosting, Support and Maintenance Agreement to insist on a minimum 10% overall contract value weighting for social value.
2. Authorise the Director Legal Services (Monitoring Officer), to execute all necessary contract documents in respect of the awards of contracts.

Action by**CORPORATE DIRECTOR RESOURCES (J. LORRAINE)**

Head of Procurement (A. Grant)

Reasons for the decision

The Council’s Procurement Procedures require submission of a quarterly forward plan of contracts for Cabinet consideration, and it is a requirement of

the Constitution that “The contracting strategy and/or award of any contract for goods or services with an estimated value exceeding £1m, and any contract for capital works with an estimated value exceeding £5m shall be approved by the Cabinet in accordance with the Procurement Procedures as amended by the General Purposes Committee held on 05 October 2021. This report fulfils these requirements for contracts to be let during and after quarter one of the current financial Year.

Alternative options

Bringing a consolidated report on contracting activity is considered the most efficient way of meeting the requirement in the Constitution, whilst providing full visibility of contracting activity; therefore no alternative proposals are being made.

6.6 Arrangements for provision of integrated sexual and reproductive health services post 2025.

DECISION

Regarding in-clinic integrated sexual and reproductive health services to:

1. Agree to enter into a collaborative commissioning process together with Newham, Waltham Forest and Redbridge to secure a joint contract, with participating boroughs as named parties, for the provision of clinical Integrated sexual and reproductive health (SRH) services; with the details of the contract to be based on agreements with the collaborating boroughs and as set out in paragraphs 3.27-3.37: a 5-year contract with the option for a further 3 terms of one year each, the Council being able to choose whether or not to take part in these extensions. The contract will have an estimated maximum total contract value over 8 years for Tower Hamlets of £30,988,015. This would be funded from the public health grant.
2. Authorise the Director of Public Health to enter into a contract with the selected provider following the joint procurement set out in recommendation 1, and to make relevant amendments to baselines or tariffs, following consultation with the Mayor, Lead Member for Health, Wellbeing and Social Care, Head of the Legal Services, and Chief Financial Officer.
3. Authorise the Director of Public Health to enter Tower Hamlets as a named third party into contracts with SRH services elsewhere in London, in order to enable cross-charging using the advantageous London Integrated Sexual Health Tariff where our residents use those services, in consultation with the Lead Member for Health, Wellbeing and Social Care.

Regarding the online London sexual health e-service SHL.UK to:

4. Approve the continued intention to commission the London sexual health and contraceptive e-service, SHL.UK from 2026.

5. Agree for the London Borough of Tower Hamlets to be named as a Related Authority when the service is reprocured by the Lead Authority, City of London Corporation, in 2025.
6. Approve the LB Tower Hamlets' participation in the procurement of a new contract for the provision of the London sexual health and contraception e-service, as set out in paragraphs 3.48-3.55. The contract will be for an initial period of 5 years from 2026/27 to 2031/32, with the option for two further periods of two years each, the Council being able to choose whether or not to take part in these extensions. The Council's proportion of the total contract spend over the nine years will be based on activity levels, which are estimated to be in the range of £1.1m to £1.4m per annum, or a combined total of £11m over 9 years.

Authorise the Director of Public Health to sign the Inter-authority agreement (IAA) with City of London Corporation, and after the procurement exercise to enter into a contract with the service supplier for provision of services for residents of the London Borough of Tower Hamlets, following consultation with the Mayor, Lead Member for Health, Wellbeing and Social Care, Head of the Legal Services, and Chief Financial Officer.

Action by**CORPORATE DIRECTOR ADULT SOCIAL CARE (S. BANERJEE)**

Associate Director For Public Health – Healthy Adults (L. Crosby)

Reasons for the decision

Sexual and reproductive health is a public health priority in Tower Hamlets, as across London. Tower Hamlets has high levels of need for sexual and reproductive health services, due to the make-up of our population. In Tower Hamlets, as elsewhere across London and England, there has been increases in sexual and reproductive (SRH) health need, such as rates of STIs or demand for contraception. The demand on sexual health services across London continues to rise, with a significant rise in complex cases and in syphilis and gonorrhoea diagnosis.

The council has a legal requirement to provide comprehensive, open access sexual health services for contraception and testing and treatment of sexually transmitted infections. Tower Hamlets residents are able to access any specialist clinic in the UK, and the council are liable to be charged for the activity. Given the increase in demand which has been seen, without concomitant increase in funding via the Public Health Grant, commissioners in Tower Hamlets have since 2015 implemented an approach that has averted substantial unsustainable cost increases.

Collaborative commissioning arrangements, strengthened over the past decade, have addressed enabled substantial savings through jointly agreed tariffs and re-charging mechanisms, as well as innovative introduction of online "e-service" to deliver low-risk, low-complexity activity (such as STI testing and results management) in a more cost effective way. As a result,

LBTH's spend on SRH as decreased from £8.9m to £6.5m over the last decade, despite substantial population growth and increases in SRH need. Our current arrangements have demonstrably reduced costs, enable access, and ensure stability of the SRH system, at a time of substantial increases to need for these services.

Through these collaborative commissioning arrangements we provide services to Tower Hamlets residents (a) by our local integrated sexual and reproductive health service, which we commission jointly with Newham, Waltham Forest and Redbridge; (b) by other London Providers, of which we are named as 'third party' in order to allow for cross-charging; (c) via the pan-London online e-service.

For in-clinic integrated SRH services:

A collaborative approach (together with other NEL boroughs) to commissioning our local in-clinic integrated SRH service "All East" enables us to have direct commissioning control over the local services where large amounts of our residents' activity take place (both in Tower Hamlets at Whitechapel and Mile End, and in other boroughs such as in Stratford (Newham) and Waltham Forest). It brings wider benefits such as contract control, joint learning, and efficiencies of scale.

These collaborative commissioning arrangements have also successfully enabled us to increase priority types of activity – such as targeting particular 'at risk' groups (such as BAME men and women), or priority interventions (such as long-acting reversible contraception (LARC), or pre-exposure prophylaxis for HIV prevention (PrEP)).

As commissioners we are determined to ensure value for money and to avoid provider complacency. There are several reasons why these services require relatively long contracts. Firstly, the services are provided by local NHS providers and there is very limited competitive market for these services (in the 2017 tender, there was only one bidder, Barts Health NHS Trust). Secondly, these are complex specialist healthcare services, embedded into secondary care and requiring substantial clinical governance / adherence, and pathways with a wide range other clinical services (Pathology and lab services, HIV, TOPS, Maternity, Obstetrics and Gyneacology, etc). This complexity and requirements for clinical adherence means procurement and mobilisation of any new service is extremely costly to both providers and commissioners. Thirdly, there are known risks to shorter contracts not being able to recruit and retain specialist staff (medical doctors, laboratory specialists etc). For these reasons, relatively long contracts have been in place and are recommended going forward. The contract will have a performance element to enable continued strong contract management and continued high quality delivery throughout the life of the contract.

In order to control costs and influence the activity delivered for Tower Hamlets residents at other London providers, Tower Hamlets is routinely named as a third party on other services' contracts. This means that we can be cross-charged on the improved terms of the London tariff (rather than the more

expensive national tariff), and that we can set 'baselines' – i.e. levels of activity that we will pay for above which reduced rates are applied – and exert financial controls. At present approximately 50% of all specialist integrated SRH provision takes place outside of our local provider, making these third party arrangements particularly important for controlling costs.

For the online London sexual health e-service SHL.UK:

The online London sexual health e-service "SHL.UK" was introduced in order to provide a cost-effective approach to 'simple' sexual health services: STI testing and results, some simple treatment. Since the pandemic, health-seeking behaviours around SRH have changed substantially, with many residents keen to access services online.

It is estimated that the existence of the e-service saves approximately £1.6m-£2.4m to the Council, compared to if the same Activity (STI testing) took place in in-clinic services. Test positivity in the e-service remains at a level that indicates that appropriate activity is taking place there, rather than creating unnecessary demand. The e-services therefore addresses appropriate 'simple' activity in a highly cost-effective way, while enabling in-clinic services to address more complex SRH need.

Since 2017, the e-service has achieved strong service user satisfaction (98% of users rate the service highly), reduced the average cost per unit of STI testing and treatment, and has integrated well with in-clinic services.

Alternative options

Rather than agreeing to continued collaboration with other London commissioners (recommendations 1 and 2), LBTH could seek to commission these services alone without collaboration. This would result in lack of control over the large amounts of activity that happens in neighbouring boroughs' clinics (at present, over 25% of TH residents' activity within our local Service takes place in Stratford's Sir Ludwig Guttman centre). This option is not appropriate due to: increased fragmentation across the system, substantial negative implications for cost containment, negative implications for service quality, patient experience and access, and high risk that no suitable provider would be available for the reduced size of contract.

Rather than continue to be named as third parties (recommendation 3) on other clinics' contracts elsewhere in London, we could revert to uncontrolled re-charging based on the national tariff. The national tariff is substantially more expensive than the London tariff. Furthermore we would not be able to set baselines and exert financial control on the activity for our residents at other London providers. This option would not bring any benefits to the Council or to our residents.

Cabinet could reserve the authorisation of the final contract award rather than delegate this to the Director of Public Health (recommendation 2). However as this is a joint procurement, this would be out of line with the approach taken by other Boroughs, and would pose risks to the joint procurement. Cabinet could choose not to delegate authority to name LBTH as a third party on

contracts but this is a straightforward administrative action that is integral to the wider approach.

Cabinet could choose to opt for a different length or nature of contract or service, but this would require us to not collaborate with other London commissioners, thus incurring the disbenefits set out in paragraph 2.1 and 2.2. Alternative options around the length and nature of the contract have been explored and discussed with the Lead Member and Mayor (as well as with collaborating boroughs), and the preferred options are presented in this paper. See also paragraph 3.32 for the rationale for the recommended contract length.

6.7 Strategic Asset Management Plan 2024-29

DECISION

1. Approve the proposed Strategic Asset Management Plan 2024-29 ('SAMP') and the high-level actions which flow from the Plan.

Action by

CORPORATE DIRECTOR HOUSING AND REGENERATION (P. PATTERSON)

Interim Director, Regeneration & Assets (D. Hughes)

Reasons for the decision

The Council's previous Asset Strategy was adopted in 2015 and ran until 2020. While some longstanding challenges have remained since that time, much has changed in terms of the Council's overall strategy on investment in public services and in how we prioritise our finances. It was therefore felt to be an opportune moment to renew this Strategy.

More generally, a strategic document allows the Council to set out longer-term goals in respect of its property assets, thereby aligning property to key corporate strategies such as the Strategic Plan, Medium Term Financial Strategy and Local Plan.

A renewed strategy will also provide the opportunity for the Council to develop new workstreams to help us reach our goals.

Alternative options

The Council could choose not to adopt the Strategic Asset Management Plan. This would mean that our aims for our property assets are not explicitly articulated in council policy and long-term actions would be taken forward in a less coordinated fashion.

6.8 Mulberry London Dock Academy School: 8 Virginia Street; London E1W 2AD

Reasons for urgency as set out in the report were agreed.

DECISION

1. Approve the final amended contract to Kier Construction (London) for the construction of Mulberry London Dock School for contract sum of £66,000,408 as recommended by the Employers Agent and set out in the Commercial Price Evaluation Report (Appendix 1 to the report).
2. Note the Equalities Impact Assessment as set out in Paragraph 5 of the report as appropriate.

**Action by
CORPORATE DIRECTOR HOUSING AND REGENERATION (P.
PATTERSON)**

Head of Capital Delivery (Y. Ali)

Reasons for the decision

Members approval is required to ratify the final amended award for the main works contract between the London Borough of Tower Hamlets and Kier Construction (London), total contract value £66,000,408. The value of contract means that signoff must be approved at member level.

This further award is required to complete the scheme as the original approval value is be deemed to be £52m and the amended contract value is £66,000,408.

Alternative options

There are no viable alternative options. The Council has signed a Development Agreement and Works Funding Agreement with the DfE for the delivery of London Dock School by commencement of the 2024/2025 academic year. They are no alternative decisions which would allow the school to be delivered on programme and to budget.

6.9 Conversion to Academy Status: Bishop Challoner RC Secondary, St Anne's and Guardian Angels RC Primary and St Elizabeth RC Primary Schools

DECISION

1. Note the decision of the Secretary of State for Education on 24 October 2023 to approve the applications from the Governing Bodies of Bishop Challoner RC, St Anne's and Guardian Angels RC, and St Elizabeth RC to convert the schools to academy status, and that the Council has a statutory duty under law to facilitate the conversion process.
2. Delegate to the Corporate Director for Children's Services, in consultation with the Executive Mayor, the overall management and timing of the conversion process working with all relevant parties.
3. Authorise the council to enter into a commercial transfer agreement, if necessary and if agreed by all parties, on suitably agreed terms, as well as any other necessary agreements with relevant third parties, as described in paragraphs 3.1 – 3.11 of the report.

4. Authorise the council to negotiate with the Academy Sponsor – Lux Mundi Trust and the Department for Education to agree the form and detailed terms of the appropriate documentation in relation to any council owned land to allow for the operation of the Academy from the transfer date. Depending on the type of land and any directions received from the Secretary of State for Education, this may take the form of freehold transfers or the grant of leases for a period of 125 years for a ‘peppercorn rent’, in accordance with the relevant standard documentation produced by the Department for Education
5. Authorise the Divisional Director, Legal (Monitoring Officer), to execute all documentation required to implement the decisions
6. Note the equalities considerations as set out in Paragraph 5.1 of the report.

Action by**CORPORATE DIRECTOR CHILDREN’S SERVICES (S. REDDY)**

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

Reasons for the decision

The Council has a statutory duty to facilitate the conversion of a school into an academy when an Academy Order has been issued by the Secretary of State. Under such a circumstance, agreement of Cabinet is required to enable officers to take necessary steps to facilitate the conversion of such schools to academy status as required by law, on receipt of the Academy Order.

Alternative options

The legislative framework for schools converting to Academy status does not provide the Council with options other than to facilitate the processes leading up to conversion by working in collaboration with all relevant stakeholders to ensure a smooth transfer of staff, contracts, services and assets to the Academy Sponsor by the agreed conversion date.

6.10 Conversion to Academy Status: Columbia and Hermitage Community Primary Schools**DECISION**

1. Note the decisions of the Secretary of State for Education on 13 December 2023 and 24 April 2024, to approve the applications from the Governing Bodies of Columbia and Hermitage to convert the schools to academy status, and that the Council has a statutory duty under law to facilitate the conversion process.
2. Delegate to the Corporate Director for Children’s Services, in consultation with the Executive Mayor, the overall management and timing of the conversion process working with all relevant parties.
3. Authorise the Council to enter into a commercial transfer agreement on suitably agreed terms, as well as any other necessary agreements with relevant third parties, as described in paragraphs 3.4 – 3.25 of

the report including The School Agreement, The Principal Agreement, The Deed of Variation to the Project Agreement and the LGCA Certificate.

4. Authorise the Council to negotiate with the Academy Sponsor – London East Teacher Training Alliance (LETTA) Trust and agree the detailed terms of the leases for the Council owned land, to allow for the operation of the Academy from the transfer date. To grant these leases for a period of 125 years for a ‘peppercorn rent’, in accordance with the relevant standard documentation produced by the Department for Education
5. Authorise the Council to negotiate and conclude the terms for a Licence for Alterations to sit alongside the 125-year Lease at the Hermitage site to capture the works currently being undertaken pursuant to the building contract for the SEN Unit.
6. Authorise the Council to negotiate and conclude a Deed of Assignment of the current Council underlease at the Columbia site, to be entered into alongside the 125-year Lease.
7. Authorise the Divisional Director, Legal (Monitoring Officer), to execute all documentation required to implement the decisions
8. Note the equalities considerations as set out in Paragraph 5.1 of the report.

Action by

CORPORATE DIRECTOR CHILDREN’S SERVICES (S. REDDY)

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

Reasons for the decision

The Council has a statutory duty to facilitate the conversion of a school into an academy when an Academy Order has been issued by the Secretary of State. Under such a circumstance, agreement of Cabinet is required to enable officers to take necessary steps to facilitate the conversion of such schools to academy status as required by law, on receipt of the Academy Order.

Alternative options

The legislative framework for schools converting to Academy status does not provide the Council with options other than to facilitate the processes leading up to conversion by working in collaboration with all relevant stakeholders to ensure a smooth transfer of staff, contracts, services and assets to the Academy Sponsor by the agreed conversion date.

6.11 Tower Hamlets Safeguarding Children Partnership Annual Report 2023-2024

DECISION

1. Note the work that has been carried out by the Tower Hamlets Safeguarding Children’s Partnership over the year 2020-21 and the outcomes that members would like to see from the THSCP over the next year]

2. Note the specific equalities considerations as set out in paragraph 4.1 of the report.

Action by**CORPORATE DIRECTOR CHILDRENS SERVICES (S. REDDY)**

Partnership and Strategy Manager (L. Griffiths)

Reasons for the decision

The Working Together 2023 Arrangements stipulates that the safeguarding partners must publish a report within every 12 months, and this should be shared through all agencies. The report will also go to the National Safeguarding Practice Review Panel and the What Works Centre for Children within 7 days of publication. The report will be signed off by the three partners including DCS for the Local Authority, the Borough Commander for the Police, and the Chief Executive of the local Integrated Care Board as well as the Independent Scrutineer.

Alternative options

None.

6.12 Special Educational Needs and Disabilities Improvement Report 2023/24**DECISION**

1. Note the contents of the SEND Improvement Board Annual Report 2023/24.

Action by**CORPORATE DIRECTOR OF CHILDREN AND CULTURE (S. REDDY)**

Director of Education (L. Fraser)

Reasons for the decision

Not applicable.

Alternative options

Not applicable.

6.13 Barkantine Heat and Power Company Private Finance Initiative (PFI) Transitional Agreement**DECISION**

1. Authorise the Corporate Director of Housing and Regeneration in consultation with the Mayor to enter into a 2-year transitional period to extend the existing agreement under appropriate commercial terms.
2. Note a detailed decarbonisation and expansion strategy will be developed.

3. Note a future report will be brought to Cabinet for approval to reprocure a new long-term contract from 2027.

Action by

CORPORATE DIRECTOR OF HOUSING AND REGENERATION (P. PATTERSON)

Head of Sustainability (A. Khan).

Reasons for the decision

As the council prepares for the upcoming Barkantine Heat and Power Company PFI contract expiry it has a responsibility to ensure that the energy centre and the district heating network is operational as a number of customers rely on the scheme for their heating and hot water.

District heating systems are essential to tackling climate change as they generate electricity and provide heating and hot water efficiently reducing carbon emissions.

Barkantine energy centre is conveniently located in a part of the borough with the highest cluster of new developments requiring connection to district heating systems.

There are no alternative options, and arrangements must be in place for the energy centre to continue to remain operational post PFI contract expiry October 2025.

The heat network will need to comply with new forthcoming energy legislations for decarbonisation from 2025.

Alternative options

An alternative would be to do nothing and let the contract come to a natural end, this would be a huge reputational risk to the council as the homes and non-domestic properties connected to the scheme would be left without a supply of heating and hot water.

The Council could reprocure the proposed two-year transitional period extension in the open market, our soft market testing has showed contractors would not be interested in a short-term contract, a change in contractor will require some of the assets such as Heat Interface Units (HIU) and energy meters to be renewed now requiring upfront capital costs. EDF Energy are required to ensure plant has a working life of 2 years beyond contract expiry and therefore a change of contractor would relieve them of this obligation, with the aging assets and a new contractor this risk will fall on to the Council.

The costs to reprocure a new short-term contract will require additional staff resources and will have huge procurement costs, the Council will need to take the risk of any capital or plant replacement works required resulting in higher costs overall in comparison to extending the contract for a further two years with the current incumbent contractor EDF Energy.

7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

8. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

9. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

10. OVERVIEW & SCRUTINY COMMITTEE

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

Nil items.

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

Nil items.

11. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION

Nil items.

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

Nil items.

The meeting ended at 7.35 p.m.