

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE CABINET****HELD AT 5.40 P.M. ON WEDNESDAY, 11 SEPTEMBER 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 Jahed Choudhury	Chair of Overview and Scrutiny
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Officers Present in Person:

Stephen Halsey	(Chief Executive)
Dr Somen Banerjee	(Director of Public Health)
Simon Baxter	(Corporate Director Communities)
Jill Bayley	(Head of Legal Safeguarding)
Noorjahan Begum	Senior Commissioning Manager - Integrated Comm & Strat, Policy & Improv
Georgia Chimbani	(Corporate Director, Health and Adult Social Care)
Ann Corbett	(Director, Community Safety)
Andy Grant	(Interim Programme Director of Procurement)
Simon Jones	(Head of Leisure Operations)
Abdulrazak Kassim	(Director Finance, Procurement and Audit)
Keith Stanger	(Head of Safer Neighbourhood Operations)
Ahsan Khan	(Chief Accountant)
Julie Lorraine	(Corporate Director Resources)
Marc Acton-Filion	(Planning Officer (Plan Making Team))
Naveed Mohammed	(Head of Strategy, Policy & Improvement)
Paul Patterson	(Interim Corporate Director Housing And

Steve Reddy	Regeneration) (Corporate Director, Children's Services)
Sripriya Sudhakar	Director of Planning and Building Control
Karen Swift	(Divisional Director, Housing and Regeneration)
Richard Williams	Business Manager Operational PR
Ashraf Ali	(Director of Public Realm)
Joel West	(Democratic Services Team Leader (Committee))

Officers In Attendance Virtually:

John Harrison (Director of Corporate Efficiency)

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

None.

3. UNRESTRICTED MINUTES

RESOLVED:

1. That the unrestricted minutes of the Cabinet meeting held on Wednesday 24 July 2024 be approved and signed by the Mayor as a correct record of proceedings.

4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR

See the minutes.

5. OVERVIEW & SCRUTINY COMMITTEE

5.1 Chair's Advice of Key Issues or Questions

See the minutes.

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

None.

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 Free Swimming Programme

DECISION

1. Note the rationale for introducing a targeted free-swimming programme for women and girls over 16 and men over 55 as detailed in paragraphs 3.2 to 3.8 of the report.
2. Note and endorse the proposed approach and phasing for a new freeswimming programme detailed in paragraphs 3.9 to 3.17 of the report.
3. Agree to the development of further detailed proposals for developing creche facilities.
4. Agree to officers monitoring the usage of the free-swimming programme and authorise the Head of Leisure Operations to make minor amendments to the programme, following consultation with the Lead Member.

Action by

CORPORATE DIRECTOR COMMUNITIES (S. BAXTER)

Head of Leisure Operations (S. Jones)

Reasons for the decision

The council has approved annual funding of £0.248M to support increased participation in swimming of groups that are more likely to be inactive. Both women and girls and older adults are less likely to be physically active than men and boys and younger residents respectively. These inequalities are even greater amongst diverse communities and when considering intersectionality. It is therefore important that Cabinet are fully aware of this important targeted intervention as part of the new insourced *Be Well* leisure service.

Alternative options

The council could consider focusing on paid for swimming offer for targeted groups. However, it is considered that this it would be unlikely to achieve the level take up by the target audiences. There is the option to increase the number of women-only, free-swimming sessions.

6.2 Be Well Leisure In-sourcing Capital Programme Update

DECISION

1. Note the requirement to invest in York Hall Spa and Mile End outdoor sports pitches in 2024/25.
2. Note the budgeted income for York Hall Spa and Mile End Leisure Centre outdoor sports pitches is £0.851 million in 2024/25

3. Approve an addition £1.166 million capital funding for 2024/25 for the refurbishment of York Hall Spa to Mile End Leisure Centre outdoor sports pitches.
4. Note the level of approved investment of £3.665 in Leisure Assets Investment Programme as shown in paragraph 3.19 of the report.
5. Support the development of options appraisals and feasibility studies for further investment to improve leisure facilities as shown in Table 6 at paragraph 3.22 of the report. Options appraisals and feasibility studies should be submitted to the November meeting of cabinet for consideration.
6. Notes the progress to developing and delivering a Tower Hamlets Place Based Partnership and PlayZones as shown in paragraphs 3.24 to 3.31 of the report.

Action by**CORPORATE DIRECTOR COMMUNITIES (S. BAXTER)**

Head of Leisure Operations (S. Jones)

Reasons for the decision

This report is requesting Cabinet approval for funding to invest in two immediate priority projects to improve the council's leisure facilities: York Hall Spa and Mile End Leisure Centre outdoor sports pitches both of which support the Be Well Leisure Service financial model presented to Cabinet in June 2024. This is needs to be agreed by Cabinet given the scale of the investment and to make Cabinet aware of the risks of not completing both projects. Cabinet also needs to be made aware of work underway to develop options for further improvements to the council's leisure facilities.

Alternative options

For the Mile End Leisure Centre outdoor sports pitches, consideration has been given to investigate and apply for external grant funding, e.g. from the Footfall Foundation for a major configuration of an investment in the pitches. At the same time the council could continue to carry out patch repairs to the existing pitch surface, fencing and surrounding kick boards. However, specialist maintenance contactors have advised that the sub-base has reached 'end-of-life' and so patch repairs are not considered viable. Therefore, pitch closures are very likely on the grounds of user-safety. This will impact anticipated income for the council. In addition, there is no guarantee that a grant funding application will be successful, and the council would need to identify match funding to support any application. The lead-in from decision to apply to completion on site is likely to be in the order of 18 months to two years.

The council could decide to not invest the York Hall Spa and leave it closed or investigated alternative uses. Similarly, the council could decide not to invest in Mile End Leisure centre outdoor sports pitches and temporarily close the facility until an alternative investment and project plan was developed.

However, this would have a direct impact on the *Be Well* leisure service approved budget by reducing income by £1.1 million p.a.

6.3 Time Banded Collections (Waste Services)

DECISION

1. Approve the introduction of Tower Hamlets Waste Regulations 2024 under section 20 and 22 of the London Local Authorities Act 2007. These are Household Waste Regulations 2024 (Appendix A to the report) and Commercial Waste Regulations 2024 (Appendix B to the report).
2. Approve the introduction of time bands for the collection of domestic and commercial waste on selected high streets, town centres, and main commercial areas in the borough. The list of streets are listed in Appendix C to the report and the proposed time bands are detailed in the Household and Commercial Waste Regulations 2024.
3. Set Fixed Penalty Notice (FPN) amounts for the enforcement of non-compliance with time bands by residents by issuance of FPN under s.46A of the Environmental Protection Act 1990, amended by s.58 of the Deregulation Act 2015. Proposed full amount of £80 payable within 28 days with a discounted rate of £50 if paid within 14 days of issue.
4. Delegate powers to the Corporate Director of Communities (or equivalent) to make any amendments to the Tower Hamlets Waste Regulations 2024 in consultation with the Mayor. Including the authority to revoke, expand and adjust the timing of the time bands and the streets to which the Regulations apply. Any amendments, revocation etc will be in line with any of the requirements in section 20 and 22 of the London Local Authorities Act 2007.

Action by

CORPORATE DIRECTOR COMMUNITIES (S. BAXTER)

Environmental Services Manager (A. Goni)

Reasons for the decision

Officers have identified that official time banded collections could provide a solution to street scene degradation. This is where residents and businesses are required to put out their waste only at clearly defined periods of the day. The waste can then be removed effectively and the area remains clear of waste for the majority of the day.

Time banded collections have been implemented in other London Boroughs. Some of these Council's are Barnet, Enfield, Newham Hackney, and City of London. Most council's have introduced time banding on their busy roads and town centre areas. The Time Banding Schemes applies to both residential and commercial bagged waste (including recycling and loose cardboard), and only the City of London have introduced the timed banded collections across the City. Communication from all of these boroughs say that there is evidence

to suggest that time-banded collections have contributed to a noticeable improvement in street cleanliness, reducing visual clutter. They have all had challenges with resident compliance: Ensuring consistent adherence to the time restrictions has been an ongoing challenge, leading to issues with waste being left out of designated times.

The introduction of Tower Hamlets Waste Regulations 2024 and time banded waste collections will strengthen the enforcement tools available to our enforcement teams, and also provide a very clear resource for businesses and residents to explain the requirements of them in terms of waste and recycling management and presentation.

Time bands have been very successful in controlling waste in densely commercial areas when implemented in other councils because they are proven to work so well. As such, time bands is deemed a proven methodology for managing waste and recycling in the public realm for commercial areas.

Alternative options

An alternative option to introducing the waste regulations is to do nothing and remain without them. This would mean that we would continue to rely on section 47 notices to inform businesses of their requirements and section 46 notices to inform residents of their requirements. This is not considered to be the most efficient option and introduces a process that would be unnecessary with Regulations in place. It also makes it more difficult to control waste.

6.4 Whitechapel Market Stalls – Production and Installation Contract

DECISION

1. Authorise the Corporate Director Housing and Regeneration, in consultation with the Mayor, to award a contract following a compliant procurement process as referred to in this report
2. Authorise the Corporate Director Housing and Regeneration to require the execution of any agreements and associated documentation to give effect to resolution 1 above.

Action by

CORPORATE DIRECTOR HOUSING AND REGENERATION (P. PATTERSON)

Interim Director of Regeneration and Assets (D. Hughes)

Reasons for the decision

This decision is required to meet the goals of the Whitechapel Road Improvement Programme (WRIP), and forms part of the wider Strategic Priority 4: Boosting culture, business, jobs, and leisure.

As this contract is valued more than £1,000,000, authority to proceed is given by Cabinet.

Alternative options

Cabinet could choose not to proceed with the Market Stall Project and the existing make-up of Whitechapel Market would remain as present. This would compromise our ability to fulfil the goals of the WRIP.

6.5 Serious Violence and Exploitation Strategy

DECISION

1. Approve the Serious Violence and Exploitation Strategy (Appendix 1 to the report) which is being brought to Cabinet for adoption by the Council as a “duty holder” and a member of the Community Safety Partnership (CSP).
2. Advise the Community Safety Partnership that robust governance arrangements for the new strategy are put in place to oversee delivery and to ensure there is accountability for all the “duty holders”, involved.
3. Advise the Community Safety Partnership that an effective data set is developed to assess performance and will enable constructive challenge across the system.
4. To note the existing Violence and Vulnerability Reduction Action Plan (Appendix 2 to the report). This plan encompasses the broad spectrum of partnership work and operational delivery that will form the local response to serious violence and exploitation. This will be further developed as part of this range of work.
5. To note the governance arrangements for the Strategy will be through the statutory Community Safety Partnership Board. However, there are a number of other statutory boards that have responsibility and play a critical role in the delivery of this strategy across the wider system e.g. the Health and Wellbeing Board, the Safeguarding Adults Board and the Safeguarding Children’s Partnership.

Action by

CORPORATE DIRECTOR COMMUNITIES (S. BAXTER)

Director of Community Safety (A. Corbett)

Reasons for the decision

The Council is required as a “duty holder” to fully comply with the legislative framework (Police, Crime, Sentencing & Courts Act 2022). This sets out the duty for “specified authorities to work together to prevent & reduce serious violence”.

Duty holders: local authorities, the Police, youth offending teams, Integrated Care Systems (NHS), probation, and the fire service. Other organisations have a “duty to cooperate” e.g. education establishments.

The new Serious Violence Duty sets out the requirement for localities to develop and implement a partnership strategy to prevent & reduce serious violence in their area.

Alternative options

Failure to adopt the Strategy developed and agreed by all the partners as set out within the statutory duty would mean the Council as a duty holder would be non-compliant with the legislation.

6.6 Budget monitoring report 2024-25 – Quarter 1

DECISION

1. Note the council's quarter 1 forecast outturn position as at 30th June 2024, against the approved General Fund budget (£13.3m overspend), Housing Revenue Account budget (£3.9m overspend), and Dedicated Schools Grant (DSG) budget (£2.6m overspend). This is a relatively early forecast in the 2024/25 financial year, affording us an opportunity to implement mitigating actions for forecast overspends which will be reported as part of the quarter 2 budget monitor.
2. Note the council's quarter 1 forecast outturn position as at 30th June 2024, against General Fund and Housing Revenue Account capital programme revised budgets for 2024/25.
3. Approve £6.1m of capital growth and £1.6m capital reductions, as detailed in paragraph 7.18 of the report and Appendix 7 to the report, as previously reported to Capital Strategy Board.
4. Note the progress made against the 2024/25 savings targets, based at 30th June 2024.
5. Note that there are no equalities implications directly resulting from this report, as set out in Section 10 of the report.

Action by

CORPORATE DIRECTOR RESOURCES (J. LORRAINE)

Director of Finance, Procurement and Audit (A. Kassim)

Reasons for the decision

The regular, timely and accurate reporting of Revenue and Capital Budget Monitoring information through the year is a key financial control. It makes visible variations to budget to inform decision making and enable the council to take timely mitigating actions.

It is important that issues driving variations to budget are understood, challenged and addressed so that the council remains both within the approved budget envelope and on track to delivering the plans Members budgeted for.

Alternative options

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

6.7 Spitalfields & Banglatown masterplan SPD

DECISION

1. Adopt the Spitalfields and Banglatown SPD (appended at Appendix 1 to the report).

Action by

CORPORATE DIRECTOR HOUSING AND REGENERATION (P. PATTERSON)

Strategic planning manager (M. Ryan-Hernandez)

Reasons for the decision

The adoption of the Spitalfields and Banglatown Supplementary Planning Document (SPD) will ensure that the future growth of the area can be appropriately managed and will meet the needs of the local community, in particular, affordable housing provision. This coordinated approach should maximise the benefits of growth by delivering new affordable housing, opportunities for local business to start-up and grow, public realm enhancements and community infrastructure through various mechanisms, including the Community Infrastructure Levy and Section 106 contributions that will arise from new developments.

Spitalfields and Banglatown is already experiencing high levels of development, with numerous proposals in the planning pipeline. This SPD will set out an ambitious vision to attract the right kind of development, ensuring that it delivers key community priorities, including affordable housing. It will provide a robust framework to assist the Council's current and future negotiations with landowners, developers, registered affordable housing providers and other key stakeholders.

SPDs are necessary to build upon and provide more detailed advice or guidance on policies set out in an adopted local plan.

Once adopted, this document will assist the Council by,

providing guidance for officers in the assessment of development applications within the designated masterplan area, including how to balance material planning considerations in the decision making process;
providing certainty for landowners, developers, registered affordable housing providers, the local community and others regarding the types of development that are likely to be acceptable; and
becoming a material consideration in the determination of planning applications.

Alternative options

An alternative option would be to not adopt the SPD. It would leave the Spitalfields and Banglatown area without area specific guidance needed to support the development of housing and other uses. Planning officers would then need to rely on the adopted and emerging Local Plan (which is yet to be examined) which may not provide the detailed guidance for development to fully reflect the Council's ambitions.

6.8 Contracts Forward Plan – Q1 – FY 2024-2025 Addendum

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.
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)

Interim Programme Director – 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.

6.9 Council Housing Acquisitions Programme (CHAP) and Local Authority Housing Fund (LAHF R3)

The Mayor noted and agreed the reasons for urgency as set out in the report.

DECISION

1. Apply £40M GLA and £8.3 MHCLG grant funding, and the associated Council match funding into the Council's capital programme.
2. Request a report on progress of the acquisition programme to the next Cabinet meeting.
3. Notes the March 2026 deadline, and asks officers to work to a deadline of 31 December 2024 for completion of the acquisition programme.

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

Director of Housing Strategy, Policy and Regulatory Assurance (K. Swift)

Reasons for the decision

Approval for schemes within the capital programme is required as a condition of grant availability.

Grant funding from both the GLA and MHCLG can only be made available once formal Cabinet approval has been given by the Council that it has included the schemes within its capital programme

Alternative options

Not to approve the inclusion of the funding offered and forego the grant and for the council to purchase homes without grant funding or not make the acquisition.

6.10 Nominations to Outside Bodies

DECISION

1. To replace Councillor Iqbal Hossain with Councillor Kamrul Hussain as the Council's nominee to Greenwich+Docklands Festivals.
2. To replace Councillor Abdul Wahid, with Councillor Shafi Ahmed as the Council's nominee to Lee Valley Regional Park Authority.

Action by
HEAD OF DEMOCRATIC SERVICES (M. MANNION)

Democratic Services Team Leader (Committees) (J. West)

Reasons for the decision

Having representatives on outside bodies increases the Council's engagement with the local community and improves its potential to offer leadership and guidance in relation to activities taking place in the borough.

London-wide initiatives can also offer considerable benefits that promote delivery of the Council's key priorities. Conditions of some London-wide partnerships and trusts are that the Council is represented on their boards.

Alternative options

The Mayor could decide not to make appointments to outside bodies at all. However, this is not recommended as it would reduce the Council's opportunity to be involved in and to support good work within the community and it would also reduce the Council's leadership opportunities. There are also a number of bodies where the Council is required or expected to provide a representative.

7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT**7.1 Fire Safety & Capital Investment Works Latham House**

The Mayor noted and agreed the reasons for urgency as set out in the report.

DECISION

1. Authorise the contracting approach and procurement strategy for Latham House fire safety works and capital investment.
2. Authorise the Corporate Director Housing and Regeneration to enter into all contracts and associated agreements and documentation, in consultation with the Mayor and Lead Member, to the winners of the various competitive exercises in accordance with this report
3. Authorise the Corporate Director Housing and Regeneration to authorise the execution of the contract and any and all associated documentation
4. Authorise that a special project team is created to include feedback and inclusion of the Mayor and Lead Member for Housing to ensure effective qualitative criteria and evaluation of most advantages submissions is in place with support from Senior Executive officers, external legal, financial and commercial experts within the Council.

Action by

CORPORATE DIRECTOR HOUSING AND REGENERATION (P. PATTERSON)

Director of Housing Asset Management (M. Killeen)

Reasons for the decision

To ensure Latham House capital investment works are delivered on an urgent priority basis, in line with our Building Safety programme and obligations for

the Building Safety Act., a competitive tender exercise is considered the best option. It is the most effective route to market and provides assurance of achieving statutory Best Value.

Alternative options

No alternative options were considered.

7.2 Procurement Route of HRA Capital Investment Contracts

The Mayor noted and agreed the reasons for urgency as set out in the report.

DECISION

1. Approve the contracting approach and procurement strategy for the Major Works contracts and Professional Technical Consultancy Services contracts that will deliver the Capital Investment Programme for Housing Management.
2. Authorise the Corporate Director Housing and Regeneration to enter into all contracts and associated agreements and documentation, in consultation with the Mayor and Lead Member, to the winners of the various competitive exercises in accordance with this report
3. Authorise that a special project team (Led by Procurement) is created to include feedback and inclusion of the Mayor and Lead Member for Housing to ensure effective qualitative criteria and evaluation of most advantages submissions is in place with support from Senior Executive officers, external legal, financial and commercial experts within the Council

Action by

CORPORATE DIRECTOR HOUSING AND REGENERATION (P. PATTERSON)

Divisional Director for Asset Management (M. Killeen)

Reasons for the decision

The Capital Investment programme cannot be delivered without appropriate external resources in place. The proposed approach is recommended following a review of the existing arrangements and is deemed to be the most suitable and effective way to deliver the programme going forward (given the lessons learned and the changing legislative environment) and meet the assumptions of the Medium-Term Financial Strategy.

Alternative options

Alternative options for delivery of these services are as follows: Do Nothing i.e. allow existing arrangements to expire and do not replace. (not recommended as there will be no resources to deliver the housing management capital investment programme).

7.3 Domiciliary Care Service Contract award

The Mayor noted and agreed the reasons for urgency as set out in the report.

DECISION

1. Authorise the award of contracts to the providers for lots 1 and 2 as detailed in the restricted appendices to the report.
2. Authorise in consultation with the Mayor the Corporate Director Health and Adult Social Care to instruct the sealing of all contracts and associated documents necessary to give effect to recommendation 1,

Action by

CORPORATE DIRECTOR HEALTH AND ADULT SOCIAL CARE (G. CHIMBANI)

Senior Commissioning Manager – Homecare (N. Begum)

Reasons for the decision

Following Cabinet approval on the 22nd February 2023, a successful procurement was undertaken for Home Care Services. The estimated total value of the contract is £162,533,480 (£40,633,370 per annum) with the breakdown as Lot 1 - 80%: £130,026,784 (£32,506,696 per annum) Lot 2 - 20%: £32,506,696 (£8,126,674 per annum).

Following satisfactory completion of the homecare tender, approval is sought for award of contracts for LOT 1 and LOT2. Current homecare contracts come to an end on the 30th Sept 2024 and are due to be extended for a further six months to allow time for mobilisation of the new contract.

It is recommended that contracts are awarded in lots 1 and 2 to the providers detailed in the restricted appendices.

Alternative options

To not award the contracts.

8. EXCLUSION OF THE PRESS AND PUBLIC

A motion to exclude press and public was not required.

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.

Reasons for the decision

Alternative options

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

Nil items.

Reasons for the decision

Alternative options

11. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION

Nil items.

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

Nil items.